



THE ILLUSTRATED

FAIR WORK GUIDE



First
Edition



For the creative
and cultural
sectors in Scotland

The Illustrated Fair Work Employer Guide

A guide to putting Fair Work
into practice for employers
in the creative and cultural
sectors in Scotland

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Intro + Contents

“Fair Work Is about realising a workforce that is diverse, supported and that values all workers equally as professionals.”

*Art sector consultation participant,
Review of Fair Work,
Culture Radar, 2022*

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We've had lots of statements of nice things for years – we need action **NOW.**

Resolving low pay and investing in skills and development are key.

The relationship between fair pay and diversity needs to be mentioned, as well as the ongoing loss of skilled people due to the precarity of the sector.¹

Background to the Fair Work Employer's Guide

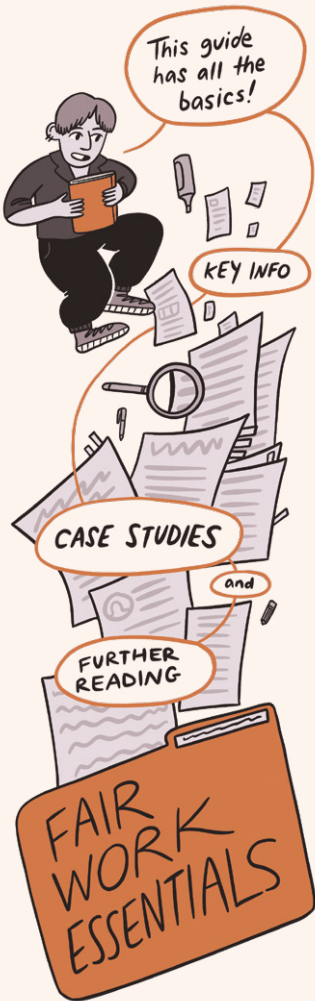
The Scottish Government wants Scotland to be the best place to live, work and invest - whether that's financially, socially or personally - with the ambition of Scotland being a world-leading Fair Work nation by 2025.

The cultural sector can be a key part of a Scotland that has Fair Work at its heart. In fact, research conducted by Culture Radar in 2022 showed that most employers in the creative and cultural sectors were already both aware of Fair Work principles and supported them.

As we're writing this (March 2023), there's a cost-of-living crisis and global political and market instability. At home, pressures on public funding, including for arts and culture, are ongoing. Following years of firefighting, this is not the ideal context in which to ask already stretched creative and cultural employers to begin to adopt new policies and practices.

However, we also know that despite these challenges, the employers who took part in our Review of Fair Work in 2022 were unanimous in their appetite for change to create a better and more diverse place to work, with more sustainable and attractive careers, with a skilled and diverse workforce of employees and freelancers. And they want that change to begin now.

It is likely that the economic and political situation around us will continue to be uncertain for some time. We don't know what the Scottish culture sector will look like in 2025 - except that it will be different. In the meantime, there are ways we can all make changes to how we work and employ people that moves us towards a fairer, more sustainable culture sector.



What this guide is

As we know, the creative and cultural sector is a complex and varied beast, with no two workplaces the same and a heavy reliance on freelance workers at all levels. For this reason, this short *Guide* could never be a step-by-step tool, or a rule book for applying Fair Work across the board.

Instead, we've laid out this *Guide* with key information about Fair Work, alongside inspiring, real-life examples of what Fair Work looks like in practice in our sector now. Case studies have been drawn from interviews with employers and practitioners across Scotland, and from organisations of all sizes and different artforms and special interest areas, to help you visualise what Fair Work might look like in the context of your organisation.

We hope they help you in taking some first steps towards Fair Work practices if you haven't already, or to consider further actions to deepen your Fair Work values.

We've signposted to further reading and resources for when you want to know more, but this is a first step; if you want to share your own story, it would be great to add to these case studies in future.

We are delighted to be working with illustrator Maria Stoian and editor Heather Parry from the *Illustrated Freelancer's Guide* who have helped to present all of this in an accessible, attractive and (as far as is possible when interpreting government policy) fun way!


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FAIR WORK in the WORLD

Common global standards for Fair Work have been set by the International Labour Organisation since 1999 through the **Decent Work Agenda**, and the United Nations' **Sustainable Development Goal 8** "promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all".


Most good, fair and decent work frameworks have these traits:



FAIR WORK in the UK

In the UK, enhancing job quality is an explicit priority of the UK Government and is set out in its Good Work plan (2018). In Wales, Fair Work policy is set out through its Fair Work Commission, and in Northern Ireland through the Fair Employment Code of Practice.

The Scottish Government's Fair Work Convention (established in 2015) sets out a framework and plan to drive Fair Work and deliver the government's vision:



"For Scotland to be a leading
FAIR WORK NATION
by 2025...

with its people having a
**WORLD-LEADING
WORKING LIFE**
where fair work drives success...

**WELLBEING and
PROSPERITY**
for individuals, businesses,
organisations and society."

1

Fair Work Basics



Fair Work Policy

Established in 2015, the Scottish Government's **Fair Work Convention** sets out its framework through five key dimensions:



Each point here is as important as the others, and by making sure all these things are offered in the workplace, we can make positive changes in workplace culture, for the benefit of both employers and employees.

There is a wide variety of employment types, workplaces and business models that are in use across the creative industries, and the Fair Work Convention recognises that no one workplace is going to be like another. The dimensions given above (and detailed in the following chapters) are designed to be broad enough that employers can translate them for their workplace without losing the heart of each dimension.

The following chapters will give examples and case studies for each dimension, to help you understand how you can put them into practice in your organisation.

Fair Work First

Fair Work First was designed by the Scottish Government to help employers apply the Fair Work criteria. It focuses on hard measures employers can put in place and use to track progress. You may start to find them referenced in public funding guidance.

IN BASIC TERMS, FAIR WORK FIRST ASKS EMPLOYERS TO ADOPT FAIR WORKING PRACTICES, SPECIFICALLY:

- Providing appropriate channels for effective voice in the workplace, such as trade union recognition;
- Investing in workforce development;
- Making no inappropriate use of zero hours contracts;
- Taking action to tackle the gender pay gap and create a more diverse and inclusive workplace;
- Paying the Real Living Wage;
- Offering flexible and family friendly working practices for all workers from day one of employment; and
- Opposing the use of 'fire and rehire' practices.



Getting started

The Scottish Government has produced and supported a number of tools to help employers begin the journey towards Fair Work, including:

Fair Work Convention Self-Assessment Tool, which has been designed to help employers assess where they are on their own Fair Work journey.

A Fair Work Employer Support Tool, developed by Scottish Enterprise to help employers understand and fully embed the dimensions of Fair Work.

The Scottish Business Pledge, designed to help employers make a commitment to Fair Work and put some of its principles into practice.

The Real Living Wage in Scotland parameters. Paying the Real Living Wage helps employers save on costs related to staff retention, recruitment and training, with Real Living Wage Accredited Employers reporting increased morale, motivation and productivity in their workplaces.

→ FURTHER READING

For more detailed information about the Scottish Government's Fair Work policy, planning and guidance, visit:

Fair Work Convention Framework, 2016

Fair Work in Scotland Report, 2020

Fair Work Action Plan Annual Report, 2021

Scottish Government Fair Work First Guidance, 2023

Fair Work Dimensions

EFFECTIVE VOICE refers to the ability of workers to speak individually and collectively, and the right to be heard by their employer for the purpose of open, constructive dialogue. Effective Voice underpins all the other dimensions of Fair Work.

OPPORTUNITY is about helping create a more equitable, inclusive and cohesive society by encouraging employers to proactively address the challenges experienced by specific groups and individuals in accessing and progressing in work, and putting policies and practices in place to better support equal opportunities.

FULFILMENT is a key factor in both individual and organisational wellbeing. Employees who are fulfilled, motivated and engaged in their jobs are more likely to enjoy better health and wellbeing, and to be more productive in their work.

RESPECT means ensuring people are respected, and treated with dignity, whatever their role and status in an organisation. It creates workplaces that enhance employee health, safety and wellbeing as well as work environments that are free from bullying and harassment.

SECURITY of employment, work and income are essential to employee wellbeing and stability. They contribute to greater individual and family stability and promote more effective financial planning. In the Review of Fair Work, a universal priority for employers across the creative and cultural sector was resolving low pay and precarious work.

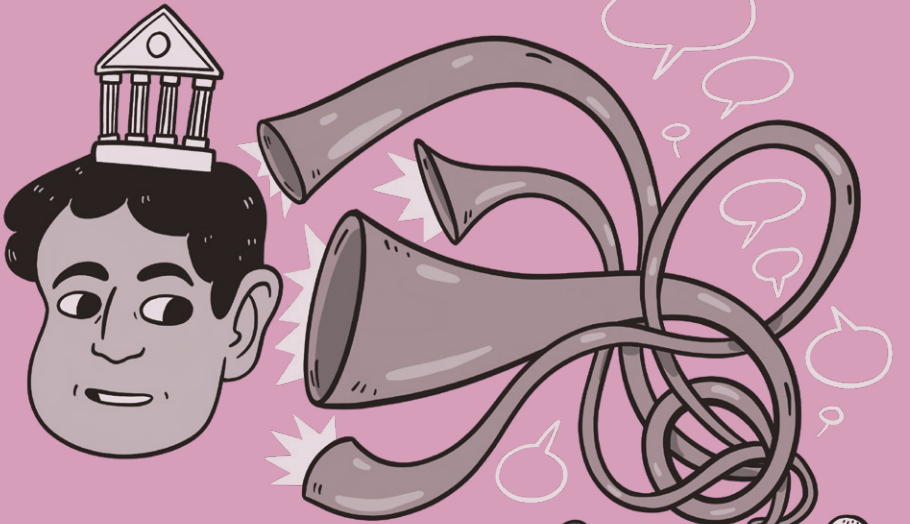
The following chapters look at each of the Fair Work Dimensions in more detail, with examples of how you can put them into action.



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Fair Work Dimensions

Effective Voice



CASE STUDIES

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Effective leadership is about being informed. It has to be co-leadership that gathers perspectives, and is informed by all opinions.³

Effective voice

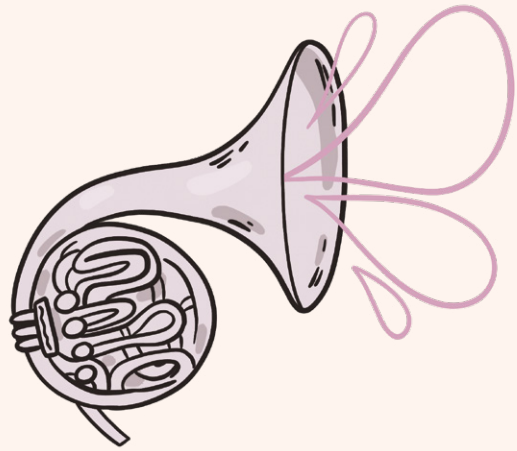
The ability to speak individually and collectively, and – crucially – to be heard, is closely linked to the development of respectful and reciprocal workplace relationships.

Effective voice – that is, the right of a worker to be heard by their employer individually and collectively – underpins all the other dimensions of Fair Work. Open, safe, constructive dialogue is key to understanding and defining fair arrangements between employers and employees. As well as improving an employee’s work experience, it also helps foster a strong and cohesive organisation that performs well.

Effective Voice is about more than just letting employees ‘have their say’. It’s about setting up effective channels for communication, and consulting meaningfully with employees so they can be actively involved in organisational decision-making. It’s an integral part of building a workplace where staff views are listened to and make a difference.

IN PRACTICE EFFECTIVE VOICE MIGHT LOOK LIKE:

- Actively involving staff in decision-making and managing change at all levels. This might include involving trade union representatives in governance decision-making, or hosting meetings or forums that support open dialogue on important organisational issues.
- Formally recognising a trade union for the purpose of collective bargaining, and making employees aware they can join a union of their choice.
- Helping managers develop key competences around Effective Voice that build confidence and more open organisational cultures. This might be through offering formal training and development to enhance management and leadership skills, or informal approaches such as coaching or mentoring.
- Developing a work culture where managers and leaders place as much emphasis on listening as talking, with internal communications processes (such as one-to-ones and appraisals, staff surveys, suggestions boxes, idea walls and forums) that give all employees a chance to be listened to and to influence outcomes.
- Ensuring that employment processes and values are understood (for example, through access to a staff handbook) and that there are safe spaces and known processes for employees to express concerns and raise issues with appropriately trained personnel.



Mini Case Study

Scottish Ensemble

This musicians' collective believes it is important for everyone to have a say in how the organisation develops – a commitment it ensures by having both staff and players represented on its board.

It has also built staff wellbeing into its organisational culture: open discussion around career progression and making flexible working conditions available to all are just two of the ways it engenders a supportive environment for its team and shows its commitment to ensuring staff feel valued.

FAIR WORK TAGS: EFFECTIVE VOICE, FULFILMENT

scottishensemble.co.uk



Case Study

Glasgow Women's Library

Co-Founder and Director **Adele Patrick** discusses the organisation's approach to recognising and developing leadership skills across the team.

FAIR WORK TAGS: EFFECTIVE VOICE, FULFILMENT

Based in the city's East End, Glasgow Women's Library (GWL) is the only Accredited Museum in the UK dedicated to women's lives, histories and achievements. As well as a lending library and archive collection – designated a Recognised Collection of National Significance in 2015 – the organisation hosts exhibitions, public events and learning programmes across both its physical spaces and digital platforms.

ON LEADERSHIP AND POWER IN THE CULTURAL SECTOR

“There's a tendency in the cultural sector to think about leadership and power as having a toxicity; we're almost phobic about the idea of leadership in our organisations, or about the idea that power is being deployed in any way.

“But in the last couple of years I've been thinking – you know what, leadership is occurring across our organisations, power is at work. It's important to acknowledge that this is happening – that power is at play and leadership is being manifested in different ways.

“Once you've done that, there's the possibility to harness it, unleash it, develop it, cite where it's happening and explore what the power dynamics are there.”

FORMED: 1991

BASED: Glasgow

PEOPLE: 25 staff (F/T equivalent 17), plus volunteers

womenslibrary.org.uk

Case Study **Glasgow Women's Library**

ON COACHING CULTURE AND EFFECTIVE LISTENING

“Absolutely key to the idea of a ‘coaching culture’ in a team is active listening. It’s about identifying what people’s feelings and needs are and then saying: OK, this is how I understand what you’re saying, what do you think we can/should do here, what are the next steps? It’s about trying to be honest and transparent with people.”

ON KEY COMPONENTS FOR DEVELOPING LEADERS

“I’ve noticed three key components in organisations that are grappling with leadership well, and are also developing what I see as a coaching culture. Firstly, everybody in the organisation has been involved with and has a stake in the strategic planning and strategic aims of the organisation. There’s also a synergy between their own personal values and the values of the organisation.

“Secondly, everybody clearly understands their roles and their responsibilities. So, for example, if the aims are Effective Voice, Respect for all, Equality and so on and so forth, people understand their position in relation to those aims. The whole project is being held by all, but everybody knows their own particular roles, responsibilities and accountability in relation to it.

“Thirdly, there is a discussion framework that is ongoing in relation to all those things: our aims, our values, our strategic planning, the work we do in our role. It should be really clear where the opportunities lie for discussion, and how things can be raised and resolved in a fearless, non-defensive, blame-free, guilt-free way.”

ON THE IMPORTANCE OF ORGANISATIONAL VALUES

“In our organisation, if we’re stuck or faced with a dilemma, we go back to our values. We say, hold on, where are we in all of this, what are we saying, what are we doing? Everybody has those values, not just the senior management or the board; everyone is rooted in the values of the organisation. They are like an anchor for us all.”

ON FORUMS FOR DISCUSSION AND RESOLUTION

“We know that great decisions and great leadership can happen across the organisation, so we have a type of meeting that is open to everyone – board members, staff, volunteers – where both operational and strategic stuff can get winnowed out.

“We call them ‘Creative Clusters’, and we have about eight at the moment organised around priorities for us like Digital, The Environment, Feminist Governance. The specific remit is to address ‘stuck’ areas of working – to bring people’s thinking onto a problem and to come up with solutions.

“Each cluster needs to have at least one board member and two staff members, plus volunteers can be involved and we can invite people from external organisations who may know more about a particular subject and have things to share with us. Importantly, everyone – including myself and the other director – can only be in a maximum of two clusters.

“Key to the approach is that staff team members can be in any cluster, it doesn’t have to be something that relates to their job description. This is about unleashing leadership across the team.”

ON AVOIDING ORGANISATIONAL INERTIA

“What the Creative Clusters allow for is the forward momentum of the organisation. I don’t want staff waiting for me to green light things if they can generate solutions through consultation and planning with those who will be impacted. I don’t want people frustrated by the inertia that I know can occur in ‘top down’ or ‘command and control’ structures.”

Case Study

Open Road and Fittie Community Development Trust

Producer, writer and co-founder of Open Road, **Lesley Anne Rose**, reflects on using the 'Circle Way' to ensure rotating leadership, shared responsibility and collaborative working.



“Our Culture Collective project, *Safe Harbour: Open Sea*, was based in Fittie, a former fishing village perched at the mouth of Aberdeen Harbour.

“The project was a partnership between Open Road, a creative organisation in Fittie that believes culture and creativity inspired by people and place transforms lives, and the Fittie Community Development Trust, a charitable organisation established to support the community.”

ON A SHARED VISION

“*Safe Harbour: Open Sea* involved Open Road bringing a team of artists and creative producers into Fittie to work with the community over two years.

“Over the course of the two years the team initiated creative projects celebrating the community’s rich history and heritage. It brought the community back together in creative ways post-lockdown, and cast an eye to Fittie’s future as a coastal community in a world working towards net zero carbon emissions.”

ON THE CIRCLE WAY: A LEADER IN EVERY CHAIR

“When planning the project, we felt it was essential to create the conditions for a shared vision and working culture. We wanted a bond of trust between all the project’s partners, establishing an equal playing field of knowledge, experience, expertise and desired outcomes.

“To achieve this we used the Circle Way approach to meetings, hoping it would facilitate every voice being heard and listened to equally. Within the circle we aimed to establish a clear understanding on creative freedom, the context and issues addressed by the practitioners, the community’s support and input, as well as the overseeing role of the coordinator.”

ON THE CIRCLE WAY IN SAFE HARBOUR: OPEN SEA

“*Safe Harbour: Open Sea* started with a Circle Way meeting and wider workshop in the community hall. This set the tone of the project and meeting as a space where people could express how they were feeling as well as what they planned to do.

“Monthly Circle Way meetings followed and it has been heartening to witness the time and care all parties put into them. Everyone involved recognised the meetings as a space to step outside of the business of delivering a project in order to reflect on where we were as a group and as individuals. Those who wouldn’t normally lead meetings were given the opportunity to do so, and listening was encouraged as much as talking.”

Case Study Open Road and Fittie Community Development Trust

How the Circle Way works

The Circle Way works by placing chairs in a circle for every meeting, creating a space in the centre to represent the project. The meetings are underpinned by three principles:

- **ROTATING LEADERSHIP:** everyone helps the circle function by assuming leadership.
- **SHARING RESPONSIBILITY:** in order to break patterns of hierarchy, there are no dominant or passive roles.
- **RELIANCE ON WHOLENESS:** everyone gives individual contributions, but there is a focus on the circle as a whole.

The meetings are managed by three roles that rotate each time, giving everyone an opportunity to take responsibility for the meeting. The three roles are:

- **THE HOST:** who calls the circle/meeting, prepares the space, sets the agenda, undertakes any prep work and creates and holds the space.
- **THE GUARDIAN:** an observational role which involves looking after the needs of the group. At the start and end of each meeting the guardian rings a bell to signify the opening and closing of the circle. If the meeting becomes tense or strays off topic, anyone can ask the guardian to ring the bell at any time and say why. When the bell rings everything stops. The bell also calls participants back.
- **THE SCRIBE:** another observational role, rather than a traditional minute taker. As well as recording actions or decisions, the scribe notes down insights and generally harvests the meeting rather than reports on it.

Safe Harbour Open Sea is a
Culture Collective project

BASED: Fittie, Aberdeen

openroadltd.com

thecircleway.net

People attending the meeting are encouraged to commit to three practices:

- **ATTENTIVE LISTENING:** focusing on what is being said by someone else.
- **INTENTIONAL SPEAKING:** using neutral language, participants contribute stories or information that have heart, meaning and relevance.
- **ATTENDING TO THE WELLBEING OF THE GROUP:** considering the impact of words and offering useful contributions.

The ground rules are:

- Anything personal that is shared is confidential.
- We listen with curiosity and compassion, and withhold judgement.
- We ask for what we need, and offer what we can.
- From time to time we might have to pause to gather our thoughts.

When it comes to making a decision or reaching a consensus:



A Circle Way meeting always starts with a check-in on how everyone is feeling and ends with a check out, asking each person what they have learned, heard, appreciated and committed to doing.



Case Study

BECTU: the Broadcasting, Entertainment, Communications and Theatre Union

Paul McManus is Negotiations Officer for Scotland at BECTU. Here, Paul highlights the benefits for employers in working closely with a union, and what kind of support they offer to freelancers.

FAIR WORK TAGS: EFFECTIVE VOICE, SECURITY

BECTU is the UK-wide union for creative ambition, representing over 40,000 staff, contract and freelance workers in the media and entertainment industries. Members work in non-performance roles in broadcasting; film and cinema; digital media; independent production; leisure; IT and telecoms, and theatre and the arts. In 2017 it merged with Prospect union.

Employers need to treat people fairly.

It's easy to do if the will is there.

ON THE PURPOSE OF BECTU

“Anyone in the media and entertainment industries can be a member of BECTU. Many of our freelance members are also employers or run small businesses, and by being BECTU members, they can rely on us for their insurance, health and safety and employment advice. Paid membership also allows access to a range of resources and. Alongside our freelance members, we work regularly with a range of employers. BECTU also works closely with Screen Scotland and Creative Scotland.”

FORMED: History dating back to 1890

BASED: London

bectu.org.uk

Case Study BECTU

ON CURRENT PRIORITIES

“We work directly with staff and employers on collective bargaining and, over the years, we’ve helped establish freelancers getting agreed rates of pay (as well as holiday pay). But our biggest priority at the moment is campaigning for better hours. We recognise that employees and freelancers need to have a better work-life balance, but there are still some companies not taking this on board. We continue to see the industry relying far too heavily on long days of work, which just leads to a decrease in productivity and burnout.

“I think the current way of working in the sector is inefficient and at the expense of freelancers, which isn’t good for sustainability. But certainly, from a Scottish perspective, Fair Work is a huge opportunity to change the culture of what we do. For example, Fair Work First recommends flexible working to increase Opportunity, Respect and Security for workers. Employers need to manage their demands while also treating people fairly. It’s easy to do if the will is there.”

ON HOW UNIONS CAN WORK WITH EMPLOYERS

“BECTU can advise employers on employment contracts. We recently worked with a Scottish-based media studio as the freelancers working there wanted BECTU-agreed rates. The initial response from the employer was, “We’ve never had to do this before – why are we doing it now?” By the end of our discussions we had agreed on a rate card scenario for all the one hundred freelancers employed there. This gave voice to the freelancers working there, and saved the employer having one hundred different conversations, by having just the one with us.”

ON ACCESSIBLE WORKFORCE-RELATED DEVELOPMENT

“We are also able to work closely with employers in terms of training, including through BECTU Vision – an industry-leading training initiative for freelance media crew in Scotland.

“There used to be a lack of freelancer training across the film and TV sector. The main employers didn’t see it as their responsibility to train freelancers, but without available training, a large amount of work was being directed to freelance producers from elsewhere.

“In order to skill up the local workforce, we partnered with BBC Scotland, Screen Scotland, Skills Development Scotland and the STUC to design and deliver our short courses for members. The ambition was to get to a baseline standard working with existing Scottish high-end sector producers. It has been massively successful and we now regularly see productions using highly-skilled Scottish-based producers, production companies and freelancers.”

ON ACCESSIBILITY AND OPPORTUNITY FOR EVERYONE

“Alongside training, we’re also always looking at working with employers to improve opportunities for work. For example, the lack of work opportunities for people returning to work after parental leave is still a big issue across the industry. The long hours are often demanding, and leaving to have a baby can have negative consequences on someone’s career.

“In recent years, we’ve run a job sharing initiative in film and TV called Take Two. We suggest alternative ways of working to employers to help fill skills-gaps, such as taking flexible working, job sharing, coaching and support. We’ll suggest that by working with two or three industry-experienced people on a job-share, this means they get not only the same result but better. This can be a real lightbulb moment for some employers.”



Mini Case Study

Coaching for Creatives

Developing a coaching culture in organisations can significantly and positively impact how individuals and teams work together by improving staff and team communication and rapport and developing organisational thinking and problem solving through active listening and constructive questioning.

Coaching for Creatives works with organisations and individuals across the creative and cultural sector in Scotland to design bespoke and inclusive coaching options that can support Effective Voice.

FAIR WORK TAGS: EFFECTIVE VOICE, FULFILMENT

coachingforcreatives.co.uk



Mini Case Study

Unlimited

Creating Your Own Access Rider

Unlimited is an arts commissioning body that supports, funds and promotes new work by disabled artists. It also publishes a range of resources through its website for artists, creatives, producers and the sector to share best practice, insights and toolkits, such as The Access Rider Guide.

Access riders are documents that detail information about an individual's access requirements. They can stop endless conversations about access by offering a considered and detailed list of what might be needed when, to enable employers, colleagues, and others to simply know how best to support someone.

The Access Rider Guide contains an introduction to what an access rider is, where and how it can be used and what you might want to include in yours, as well as other resources available that also look at this subject.

FAIR WORK TAGS: RESPECT, OPPORTUNITY, SECURITY

weareunlimited.org.uk/resource

→ FURTHER READING

Fair Work Convention – [Effective Voice](#)

Scottish Government – [Fair Work First Guidance](#), 2023

[HM Government guidance](#) on recognising and working with trade unions and workers rights

SCVO – [Guide to Trade Unions](#)

Chartered Institute of Personnel Development (CIPD) – [Exploring Employee Voice](#)

3

Fair Work Dimensions

Opportunity



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Socio-economic diversity is very poor in our sector –

it's a middle-class industry over-supplied with willing graduates who can afford to work for nothing or very little to "get their foot in the door."⁵

Opportunity

Fair Opportunity is a crucial dimension of Fair Work that ultimately helps create a more equitable, inclusive and cohesive society.

This dimension goes further than employers simply meeting legal obligations under the Equality and Diversity Act. The Fair Work framework encourages employers to proactively address the challenges experienced by specific groups and individuals in gaining access to and progressing in work by considering attitudes, behaviours, policies and practices in the workplace to better support equal opportunities.

For individuals, having fair and equal access to work and career development opportunities improves life chances and social mobility. For employers, it leads to more diverse organisations where talent from all sections of society is valued, developed and utilised.

In recent studies, a pressing priority for all employers across the creative and cultural sector was workforce development, recruiting enough people to fill all available roles, combatting the excessive attrition of workers who have quit the sector in search of greater financial security elsewhere, and conditions that are more conducive to family life and planning for the long term.⁶ The dimensions of Opportunity and Fulfilment can therefore play important roles in enhancing organisational reputation, which in turn can improve skills retention and attract experienced workers to the sector roles.

⁵ Arts sector consultation participant, *Review of Fair Work Consultation Report*, Culture Radar, 2022

⁶ *The Review of Fair Work*, Culture Radar, 2022; *The Good Work Review*, Creative Industries Policy and Evidence Centre, 2023

**IN PRACTICE, OPPORTUNITY IN THE WORKPLACE
MIGHT LOOK LIKE:**

- Having fair recruitment, selection or promotion processes that prevent bias or other barriers to access and opportunities. This might include blind recruitment processes, providing adjustments and support at interviews, ensuring diverse interview or selection panels, or holding exit interviews to understand the reasons for a person leaving a job.
- Working towards a more representative board or senior management team by increasing opportunities for diversity of leadership and decision-making roles in the organisation with reference to gender balance, ethnicity, disability and age.
- Including and ring-fencing budget lines for training and development for both employees and freelancers employed on projects, and ensuring equal access to those opportunities. This might be achieved by identifying employees who have previously or regularly benefitted from training and development activities, and prioritising opportunities towards those who have not.
- Supporting paid internships or apprenticeships to remove barriers for young people to careers in the culture sector, and offering support, buddying or mentoring for new recruits, people 'stepping up' into new roles or for people with distinct needs.
- Making workplace adjustments for employees with physical or mental health conditions or disabilities. This could be through reviewing, updating and ensuring all staff understand workplace policies and processes, investing in equipment or making changes to support working from home.
- Removing barriers to work for those with caring responsibilities by offering flexible working and parental leave for both parents.
- Providing employer and employee support through trade union equality and diversity representatives and training programmes.

Mini Case Study

Creative and Cultural Skills (CC Skills)

Fair Access Sector Support Programme

This CC Skills programme is designed to inform, educate and empower the creative and cultural sector to adopt inclusive and lawful recruitment practices that support the development of a more diverse range of talent across the sector, to create opportunities for young people to learn about the real jobs in our sector, and make the step into meaningful employment within it.

The programme includes workshops, practical advice, guidance and toolkits with training free of charge to employers in Scotland.

Downloadable toolkits include:

- A Best Practice Recruitment Guide.
- Manager's Guide to Apprenticeships.
- Best Practice Guide to Apprenticeships, Internships and Volunteering.

FAIR WORK TAGS: OPPORTUNITY, RESPECT

ccskills.org.uk/supporting-our-sector

Case Study



The Work Room

Director **Anita Clark** highlights how the organisation is recognising and adapting to the caring responsibilities of its members

The Work Room is an artist-led organisation whose members work in dance, movement and choreography. Established by a group of independent dance artists, it is based in a purpose-built studio space within Glasgow's Tramway and describes the values underpinning its work as: Experimentation, Generosity, and Inclusivity.

ON CARING AS AN EQUALITY ISSUE

“Right from the start, long before I joined in 2016, treating caring and particularly child care as an equality issue has been part of The Work Room’s approach. Dance is still quite a female-dominated art form, so, inevitably, thinking about the practicalities of caring have always been important. When we put our first formal Equality Diversity and Inclusion plan in place in 2017 we looked at parenting as part of that.

“As we started to think more holistically about what an EDI plan is and how we operate that, we wanted to make sure things that happened on an ad hoc basis were more formalised. For example, when we ask about access requirements in our application process for residencies we acknowledge caring, as well as the things that are perhaps more usually associated with access and disability.”

ON TAKING A PRACTICE-LED APPROACH

“What excites us as an organisation and what excites me personally is how dance is developed by having an expansive range of voices within it – the artform is being shaped and innovated because of different experiences.

“As a physical artform, the most visible sign of this is often through the work of disabled artists; that is absolutely shifting the preconceptions of what a dancing body is, who can dance, and the aesthetics around that.

“But I see that as well in terms of parenting and how people with children are approaching their work differently, which in turn influences their practice.”

Case Study **The Work Room**

FORMED: 2008

BASED: Glasgow

PEOPLE: Two staff, with
approx 250 members

theworkroom.org.uk



ON RADICAL CARE FOR THE DANCE SECTOR

“For our programme developed as part of Creative Scotland’s Radical Care project we’ve brought together a working group of eight people, all independent dance artists who are ‘re-emerging’; folk who are returning to their practice after time away for caring responsibilities.

“Six are mothers, two are fathers, some are in same sex partnerships, some are solo mothers, some are adoptive parents, some have babies, others have kids in school.

“The funding has enabled people to have a bit of time over a nine-month period to come together and share experiences. We’re seeing it as both informing how they individually may need to shift their working practice – what we may need to put in place, what they need to be asking for – and also informing us as an organisation.”

ON RESIDENCIES THAT RESPOND TO ARTISTS' NEEDS

“Coming into the pandemic, our residency programme was based around the studio at Tramway – for dance artists, getting access to dance studio time is always a key thing. So our residency was very much about the space, and artists tended to work in blocks of 1-4 weeks.

“During the lockdowns we worked in ways that meant people could do things at home. We introduced Artist Research Bursaries to provide flexible financial support prioritising people who wouldn't be able to return to that previous, studio-based model. For people with caring responsibilities this was often a much better way of working; the idea of taking a week out to focus on your practice was really impractical.

“Now we recognise the need for flexibility; that a residency doesn't need to be around the studio. For example, one of the residencies we are supporting at the moment is two mothers – one in Edinburgh, one in Glasgow – and they are meeting over a long period of time, a day here, half a day here. They are able to shape the residency around their caring responsibilities, in a way that works for them.”

ON A PEOPLE-FOCUSED APPROACH

“It's about being people-centred; starting with people and then thinking about what that means in terms of working patterns and putting the things that are needed in place. Having this kind of approach takes time as well as resources. It's not about us supervising what people do, but is about trusting in the artists and their practice.”



Case Study

Creative Edinburgh

Creative Edinburgh Executive Director **Ola Wojtkiewicz** explains how working with an external HR company has helped the organisation further its commitment to Fair Work principles.

FAIR WORK TAGS: OPPORTUNITY, FULFILMENT

Creative Edinburgh is a membership organisation for people working in the creative sector in Scotland's capital city. With more than 5000 members, it provides a dynamic network of support, advice and conversation, hosting regular events, promoting opportunities and providing mentoring. Its annual awards' event in the autumn celebrates and highlights the city's creative community.

ON BUILDING A FOUNDATION FOR STAFF DEVELOPMENT

"Within weeks of my appointment at Creative Edinburgh in August 2021 I needed to start a recruitment process. That was when I realised we didn't have any recruitment systems or documents in place – it was essentially a blank page.

"I wanted to have a fair, transparent and equitable recruitment process; it was essential for me that we create a solid foundation for the organisation moving forward."

ON ACKNOWLEDGING THE VALUE OF EXTERNAL HELP AND ADVICE

"Rather than rushing into doing something, I reached out to the board for support in finding external HR consultants. We identified three consultants based locally, had conversations with them, and decided on the one whose offer was the most compelling – and also affordable.

"The fee was around £3000 for 40 hours of their time, a significant expense but it was critical for us. We didn't have any in-house expertise, no provision in terms of a staff handbook, no documents setting out Creative Edinburgh policy for staff. That felt like a big gap; it was something to put in order."

Case Study **Creative Edinburgh**

ON KNOWING YOUR STRENGTHS – AND WEAKNESSES

“It’s been really helpful to have someone at the other side of an email who can answer my questions, and there have been quite a few! HR is a complex topic and I personally haven’t had a lot of experience with it in my career. So for me, it was part of my leadership learning, of up-skilling myself.

“To be able to use external expertise when it’s required falls under the category of good governance to me. We can’t pretend that we know the solutions to everything.”

ON TAKING A COLLABORATIVE APPROACH

“We worked with the agency on key documents collaboratively and in consultation with staff members and the wider team of the board and steering group. It was a participatory process, because it was important for me to make sure those documents were relevant, that they were as people felt they should be, and that everyone read them and became familiar with them.

“The team reviewed the staff handbook and policy pack, had a say and made comments and asked for clarifications – so I’m quite confident that they now know what we provide and what’s expected of them.

“I think the team really values the fact that they have things in place that give them confidence and reassurance regarding their legal position. It gives them a sense of professional security, and that’s always a high priority to me.”

ON CREATING OPPORTUNITIES AND DEVELOPING STAFF

“The team is new and everyone is stepping up; we’ve recruited people at the early stages of their career who may not have had professional development opportunities before, but what they do have are skills, ambition and a willingness to learn.

“Knowing that, it was obvious we needed to offer training and guidance, and give them a chance to develop. So training is one of our priorities and is part of our staff development plan.

“For me it was important when recruiting the team not to expect that they’ve had experience in a similar role – in fact they haven’t, for the most part. It was very important to give them the opportunity; it’s about taking them on a journey of learning together.”

ON A CHALLENGE WITH RICH REWARDS

“The challenge of our approach is that a young team requires quite a lot of guidance. Managing people who are stepping up is time-consuming and requires effort and energy. Ultimately, though, it’s worth doing because this is how people develop and grow.”



FORMED: 2012

BASED: Edinburgh

PEOPLE: One full-time Executive Director and six part-time staff.

creative-edinburgh.com

Mini Case Study

Disability Arts Online (DAO) – Access to Work: A Guide for the Arts and Cultural Sector

Access To Work is an HMRC government grant available in England, Scotland and Wales to support disabled people at work and help remove barriers that disabled people face in undertaking paid employment.

Disability Arts Online has written this guide to interpret the Access to Work rules and official guidance with specific advice for the arts and cultural sector.

FAIR WORK TAGS: OPPORTUNITY, SECURITY, RESPECT

disabilityarts.online/atw

Mini Case Study

Scottish Artists Union (SAU) Learning Programme

SAU considers work-based learning to be a 'crucial and critical intervention into the structure of freelance work'. Its learning programme for visual artists provides members with free, bespoke courses and workshops, equipping participants with the skills they need to work in the sector.

Funded through Scottish Union Learning, as well having access to in-person training and events, SAU members can download useful toolkits and resources for freelancers.

FAIR WORK TAGS: OPPORTUNITY, FULFILMENT

artistsunion.scot

Mini Case Study

Creative Carbon Scotland

Accessible Recruitment Practices

Creative Carbon Scotland's proactive approach to accessibility starts with recruitment.

It offers job descriptions in both audio and text formats, and for those who are not comfortable applying via its online form, alternative arrangements can be made – such as submitting a video or audio application.

In-work benefits for successful applicants are also highlighted in job adverts. These include flexible working, an allowance for home-working energy costs, and financial support for a 'healthy working from home workstation'.

FAIR WORK TAGS: OPPORTUNITY, SECURITY, RESPECT

[creativecarbonscotland.com](https://www.creativecarbonscotland.com)

→ FURTHER READING

Fair Work Convention – [Opportunity](#)

Scottish Government – [Fair Work First Guidance](#), 2023

HM Government – [Equality Act \(2010\)](#)

Disability Confident – [sign up to become a Disability Confident Employer](#)

UK Music – [Internship Code of Practice](#)

Close the Gap – [Flexible Working Workbook](#)

ACAS – [Guidance for Employers to Flexible, Home and Hybrid Working](#)

4

Fair Work Dimensions

Fulfilment

**CASE STUDIES**

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Fulfilment

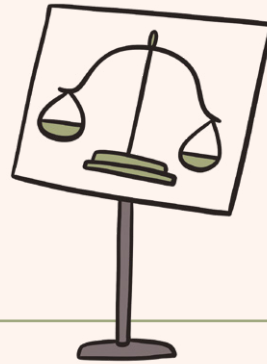
Worker fulfilment is a key factor in both individual and organisational wellbeing. Employees who are fulfilled in their jobs are more likely to enjoy better health and wellbeing, and to be more engaged and motivated in their work.

Employees feel more fulfilled, confident and creative when given opportunities to use the skills they have, but also to learn new ones, stretch their talents and capabilities, or take on new responsibilities. Allowing workers to feel ownership over both their work and their careers is essential to Fulfilment. For employers, building organisations that value Fulfilment can contribute to both attracting and retaining talented workers.

In practice, there are many ways employers can support Fulfilment in the workplace, irrespective of an organisation's size or scale.

FOSTERING FULFILMENT MIGHT TAKE THE FORM OF:

- Consulting and engaging boards and staff in reviewing and developing a learning and development strategy that reflects both organisational and employee development priorities and needs. Are skills being used effectively? Are there opportunities to increase autonomy or upskill posts? Where are the skills gaps and how can these be filled?
- Supporting employees in leadership development opportunities. This could be through formal programmes, courses or secondments, or more informal approaches such as job-shadowing, mentoring or coaching. It might also include encouragement or support to keep professional qualifications and memberships up-to-date.
- Offering opportunities for staff at all levels of the organisation to 'step up', contribute to organisational problem solving or take the lead on certain projects. This might be achieved through rotating roles in leading regular team meetings, inviting junior members of teams to lead a session or contribute a topic to a planning session, or including a broader range of voices in planning or development sessions.
- Offering regular equality and diversity, and health and safety training as required for all employees (extended to board and freelancers where appropriate) and engaging with union learning reps to access relevant training programmes and resources.
- Working towards a charter mark or accreditation that contributes to a positive workplace culture and allows everyone in the organisation have a contributing role to making it happen, such as an **Investors in People Award**.
- Investing and supporting an apprenticeship or paid internships, or committing to the Young Person's Guarantee.
- Encouraging and supporting employees to create peer groups that build mutually beneficial healthy working practices, such as digital or home working.



Mini Case Study

Atlas Arts

Building trust and care into the workplace

Atlas Arts was founded in 2012 to organise art projects across Skye, Raasay and Lochalsh where its team of four work collectively and with artists and local residents on its ambitious visual arts programme.

Staff wellbeing is a priority for the small team who try to build trust and care into everyday working. They share and keep an eye on each other's time and workload, and encourage each other to take time off in lieu to keep work and life in balance.

Everyone is encouraged to shape their own learning and development - staff are encouraged to set aside a day a month for work-related research or creative activities, and in the last year it has also supported bespoke staff mentoring, research trips and work shadowing.

FAIR WORK TAGS: FULFILMENT, RESPECT, OPPORTUNITY

atlasarts.org.uk



Case Study

Stellar Quines Theatre Company

Stellar Quines' Artistic Director and CEO **Caitlin Skinner** discusses the company's learning journey and the importance of giving a voice to team members.

Stellar Quines is an intersectional feminist theatre company based in Edinburgh. Now in its fourth decade of activity, the company creates touring shows, engages communities and supports creatives with the aim of achieving greater equality.

FAIR WORK TAGS: FULFILMENT, EFFECTIVE VOICE

ON FAIR WORK AS A JOURNEY

“Being an intersectional feminist theatre company means that we’re always learning; we’re always learning about what that means and how we live our values. So for us to say, ‘Right, we’ve done Fair Work, tick’, would feel really reductive. We’re working towards better practice, better ways of overcoming the barriers that are in the way of marginalised people. That allows us to approach Fair Work with curiosity, and not get too frustrated with ourselves or beat ourselves up about not being perfect. That permission to learn is key; that we as an organisation are not at the end of our journey, we are always going to be moving through it, we’re always going to be learning more.”

ON THE TENSION BETWEEN FAIR WORKING AND MAKING WORK

“Because of the financial and economic environment the company is in we have to make compromises, we have to make work in partnership, we have to make work which is responsive, that serves audiences and artists. Also work that serves the sector, the strategic aims of the company, and plays to the strengths of the people who make that work.

“Balancing all those things can mean it isn’t always clear which is the best decision to make for those we employ or work with. We want to innovate in order to live our values, and fitting into existing structures or established structures isn’t going to allow us to achieve those things. So we need to keep Fair Work as a core principle and innovate around that.”

Case Study **Stellar Quines Theatre Company**

FORMED: 1993

BASED: Edinburgh

PEOPLE: Five staff, six year-round freelancers, plus 2-3 additional freelance producers per year, and 8-20 other freelancers depending on productions

stellarquines.co.uk



ON FINDING CREATIVE WAYS TO DEMOCRATISE LEADERSHIP

“Like many organisations coming out of the pandemic, we’re re-evaluating who we are and what we’re for. We were really keen that the whole staff team was involved in that process, and we’ve found different ways to try and do that, including starting our own annual, internal symposium which we call the Quines Festival of Ideas.

“The ‘festival’ is an example of democratising leadership within the team. We set aside three days at the end of the year and all team members put in requests for sessions they would like to lead. So for example, someone ran one on personal goals, looking ahead for the year; our Head of Audiences ran a session to get the whole team to think about audiences; I led a session looking at the artistic programme and how we might plan ahead.

“Being able to share leadership is important and also really exciting. It’s giving people more ownership of the company, developing leadership skills, seeing another side of people and getting out of our traditional hierarchies.”

ON EVERYDAY STRATEGIES THAT ALLOW EVERYONE'S VOICE TO BE HEARD

“Our weekly team meeting is facilitated by a different team member each time. Why? I’m aware of the authority within my role, and if I’m leading everything we only have one point of view as to how that meeting is run or what we should talk about. But if we want to be intersectional, if we want to dismantle hierarchy, if we want to be anti-racist, we need to find ways to disseminate power.

“People lead the sessions in slightly different ways; they can have a different focus and bring a particular temperature to each meeting. Some people are really efficient and get through the agenda and everyone is like, ‘Brilliant, I’m done’. Others are slower and more gentle and tease out issues that wouldn’t otherwise be discussed.

“A lot of my job is about facilitating conversations, being there with the flip chart and Post-it notes and getting people to talk. For example, we used to have a tag line that said we were Scotland’s ‘leading feminist theatre company’. I remember our administrator saying: ‘Why do we need to be leading? Can we not just be one of, because that’s more feminist, that lives our values better’. Her being able to do that was vital, because I wouldn’t have spotted it.”

ON EMBRACING DISCOMFORT

“Working collectively and collaboratively isn’t straightforward; it’s trickier, you have to find different ways of making decisions and collaborating. So it’s not always been comfortable working that way. I think that’s probably why we’re creating space to get better at it – because it takes practice.”

FORMED: 2018

BASED: Burra Isle, Shetland

PEOPLE: One full-time and
three part-time staff

gaada.org



Case Study

Gaada

Co-founder and director **Daniel Clark** discusses the ways a small, artist-led organisation has put fair work thinking at the heart of approach in a rural community.

FAIR WORK TAGS: FULFILMENT, OPPORTUNITY, SECURITY

Gaada is an artist-led organisation in Shetland that works with local communities to develop ‘meaningful and critical art activities.’ A community interest company founded by artists Amy Gear and Daniel Clark, its work centres on a visual art workshop in a former Methodist Kirk where it delivers a programme that includes exhibitions, publishing and the development of local resources for artists.

ON THE IMPORTANCE OF SPACE IN A RURAL CONTEXT

“In Shetland we have a real shortage of spaces that are available to the community – particularly to the arts community. So we knew that a secure space was really critical to Gaada, even before we knew what we were going to do with it.

“Once we had the space, it was apparent that this was such a great asset for artists, and we immediately started to run things that would let other artists benefit from the space.

“For the last four years Gaada has been testing out ways of working, ways of running socially relevant projects for our community, while also exploring how to generate forms of revenue to make it sustainable.”

Case Study **Gaada**

ON RESPONDING TO PEOPLE AND PLACE

“What’s really apparent with a lot of arts organisations that operate rurally is that they aren’t able to directly respond to and incorporate the people who use the space, or the people who live around the organisation. But because we’re a small organisation and we operate a flat hierarchy, we’ve been able to do that – to keep incorporating those interests.

“We’ve grown in response to the interests and issues that engage the community around us. That has meant that as we’ve grown we’ve also been aware of the skills that exist around us; people and skills that we know we need.”

ON LEARNING TO BE SUSTAINABLE

“Everything we do at Gaada is used as learning which is then built into what we do next.

“We started with a grant from Youth Link Scotland to run a mobile screen-printing workshop for 16 weeks, working with a group of autistic young adults.

“To grow capacity Gaada has had to rely on its grant funding rather than revenue. So the sustainability we’ve been able to establish can only go as far as our funding – our job contracts, for example, are year-to-year.”

ON GETTING ARTISTS TO STAY IN SHETLAND

“We have workshop bursaries programme that makes small funded awards to artists in Shetland, and we’ve started issuing one of those awards through the Fine Art course end-of-year show at the college.

“We want to encourage young artists to have a practice in Shetland rather than immediately think they have to move to a large city to function as an artist.”

ON PEER NETWORKS AND FREELANCE COMMISSIONS

“We run a peer group programme called Tottie Talk, which is an opportunity for anyone who has an interesting creative practice to come along and build mutually supportive networks and share their work (whilst enjoying a baked potato!).

“Providing that space has meant that when paid opportunities come up, or if Gaada is contacted by organisations elsewhere in the UK who want to commission an artist in Shetland, we have a really good understanding of the artists that are out there.

“It’s important that we create paid work and commissions for the people around us. Although Gaada’s core work is done by the artists we employ as part of the team, more and more we’re looking at ways to create paid opportunities for artists and skilled freelancers throughout the organisation’s activity.”

ON PAYING ARTISTS PROPERLY

“As we’re artists ourselves we’ve been Scottish Artists Union members since before we started Gaada, so we’ve made sure that we incorporate their guidance into how we pay artists. We’ve had so many experiences, particularly locally, where artistic experience has been undervalued, something which I would say is pretty entrenched in Scotland.

“We’ve been regularly told by local and national organisations, commissioning work through Gaada, that these rates are too high. It’s been hard to stick to, when organisations who are looking for artists to work can go to someone else who will take less money, and suffer for it.

“We definitely lost work early on, but as an organisation who employs artists, we feel a sense of duty to ensure folk are paid fairly, and also a duty to help educate and boost the confidence of artists who do undervalue themselves.”



Case Study

Tinderbox Collective

Tinderbox Director **Jack Nissan** and Assistant Director **Jed Milroy** discuss the organisation's commitment to paid training opportunities, while 18-year-old trainee **Julia Dorozynska** also adds her voice to the discussion.

FAIR WORK TAGS: FULFILMENT, OPPORTUNITY

FORMED: 2010

BASED: North Edinburgh Arts Centre,
Edinburgh

PEOPLE: Four full-time equivalent staff
(two of which are full-time), plus paid
trainees and assistant tutors

tinderboxcollective.org

Tinderbox Collective describes itself as 'a creative community of young people, musicians, artists and youth workers'. Its programmes are open to young people aged 10–25 and include the Tinderbox Orchestra, youth and community work, and numerous projects in schools and hospitals. Using music to bring people and communities together, Tinderbox provides opportunities that support young people to build their confidence, skills, self-esteem, and professional experience.

ON AN ETHOS OF LEARNING

Jed: "Our ethos is very much to bring people on, to let people try out new ideas and push themselves to learn on the job. We're constantly looking for the areas that people can benefit from. There's a lot of projects going on so it's a case of always looking for the best ones for people to be involved with."

Jack: "Whenever we do a project it's assumed that we'll have paid trainees involved in it, who are contracted as freelancers on a project-by-project basis. [At the time of writing, there are 18 trainees across seven projects]. It's about making sure everybody keeps developing."

Case Study **Tinderbox Collective**

ON TURNING ORGANISATIONAL CULTURE INTO A TRAINING FRAMEWORK

Jack: “We were doing the training for a long time before it was formalised, but we realised that it’s really useful if you create a structure and give someone a named role. Formalising things is such a delicate balance; keeping the spirit and ethos that has made something have its bit of magic, that takes a lot of thought.”

Jed: “When we started the trainee plan, at first we didn’t want to use the term ‘trainee’ because we wanted everyone to feel really close. But actually they wanted to be called trainees because it gave them a bit more authority, a bit more autonomy in whatever group they were involved with.”

ON AN APPROACH THAT SUPPORTS DEVELOPMENT

Jack: “We’ve got an approach now that underpins everything we do, whether that’s with youth work projects and youth clubs or community programmes or the orchestra, and also as much as possible with the core organisation as well. We always tend to have a lead tutor role, or lead musician role, or lead MD [musical director] role, and we’ll also have assistant tutors when there’s slightly bigger groups and they need support. An assistant tutor could either be someone quite experienced or it could be a step up for a trainee. At the same time we bring in experts and people with lots of experience where needed.”

ON TAILORING THE TRAINEE ROLE FOR THE INDIVIDUAL

Jed: “Being a trainee is a learning role, so they’re shadowing, they’re getting the chance to try new things out, they’re visiting different projects and developing their knowledge. Their development isn’t linear; we’ll always be looking for opportunities for that individual – it’s very much based on what that person is interested in.

“All trainees have a role description, and when they become a trainee they are officially part of a project and have responsibilities as part of that. Each week they’ll get feedback on how it’s been going and they’ll also have someone they’re working with who is able to support them with their development over the duration of a project.”

Julia: “I’ve been involved with Tinderbox since I was about nine, and I’ve gone through many different stages. Now that I’m able to actually work with them as a trainee and know that I’m learning while working, that I’m being taught new things – that’s something really useful for me personally. You always get good feedback or constructive criticism. I’m just always learning.”

ON PROVIDING OPPORTUNITIES AND SUPPORTING TRAINEES

Jed: “One of the things you get at Tinderbox is a chance to do big, exciting things. For example, in the summer [2022] we had an Edinburgh Fringe venue, and we could have looked for a young venue manager with lots of experience to run it. But instead, we offered the venue manager role as a trainee position because we recognise the value in giving an opportunity to do something new and really exciting. A lot of it comes down to trust and knowing people really well.”

Jack: “The thing that goes hand in hand with that approach is that if you are going to offer somebody an opportunity that is quite scary and new, then you have to support them. There is always a lot of one-to-one mentorship involved.”

Mini Case Study

The Young Person's Guarantee

The Young Person's Guarantee is a commitment to bring together employers, partners and young people. It aims to connect every 16- to 24-year-old in Scotland to an opportunity. This could be a job, apprenticeship, further or higher education, training or volunteering. It could also be an enterprise opportunity.

Benefits in joining the Guarantee include:

- Gaining new ideas and insight from a generationally diverse team.
- Help with recruitment, retention and succession planning.
- Developing and motivating existing staff.
- Raising awareness of your industry and organisation.

FAIR WORK TAGS: FULFILMENT, OPPORTUNITY

youngpersonsguarantee.scot

Mini Case Study

Scottish Contemporary Art Network

Working From Home Charter

Created in response to the continued need for home working following lockdowns, SCAN's charter adopts a 'wellbeing first' agenda in support of the mental and physical health of its staff.

The charter sets out the digital platforms used by the organisation and how staff can use them; from a Miro Board for workshopping ideas to text messaging for urgent communication.

With a 'week in view' template to sketch out how and when staff will communicate and meet, it works as a constructive tool for empathetic organising.

FAIR WORK TAGS: FULFILMENT, RESPECT

SCAN Working from Home Charter

→ FURTHER READING

Fair Work Convention – [Fulfilment](#)

Scottish Government – [Fair Work First Guidance](#), 2023

Trustee Recruitment Cycle – [How to complete a governance skills audit](#)

UK Music – [Internship Code of Practice](#)

SCVO and Scottish Government – [Digital Participation Charter](#)

Chartered Institute of Personnel and Development (CIPD) – [Job design factsheet](#)

5

Fair Work Dimensions

Respect



CASE STUDIES

Dundee Contemporary Arts	70
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*Fair Pay is part of it.
But how to deliver equality and
inclusion meaningfully, genuinely,
is more important to me.*

*That is the big cultural shift
that needs to happen.⁷*

Respect

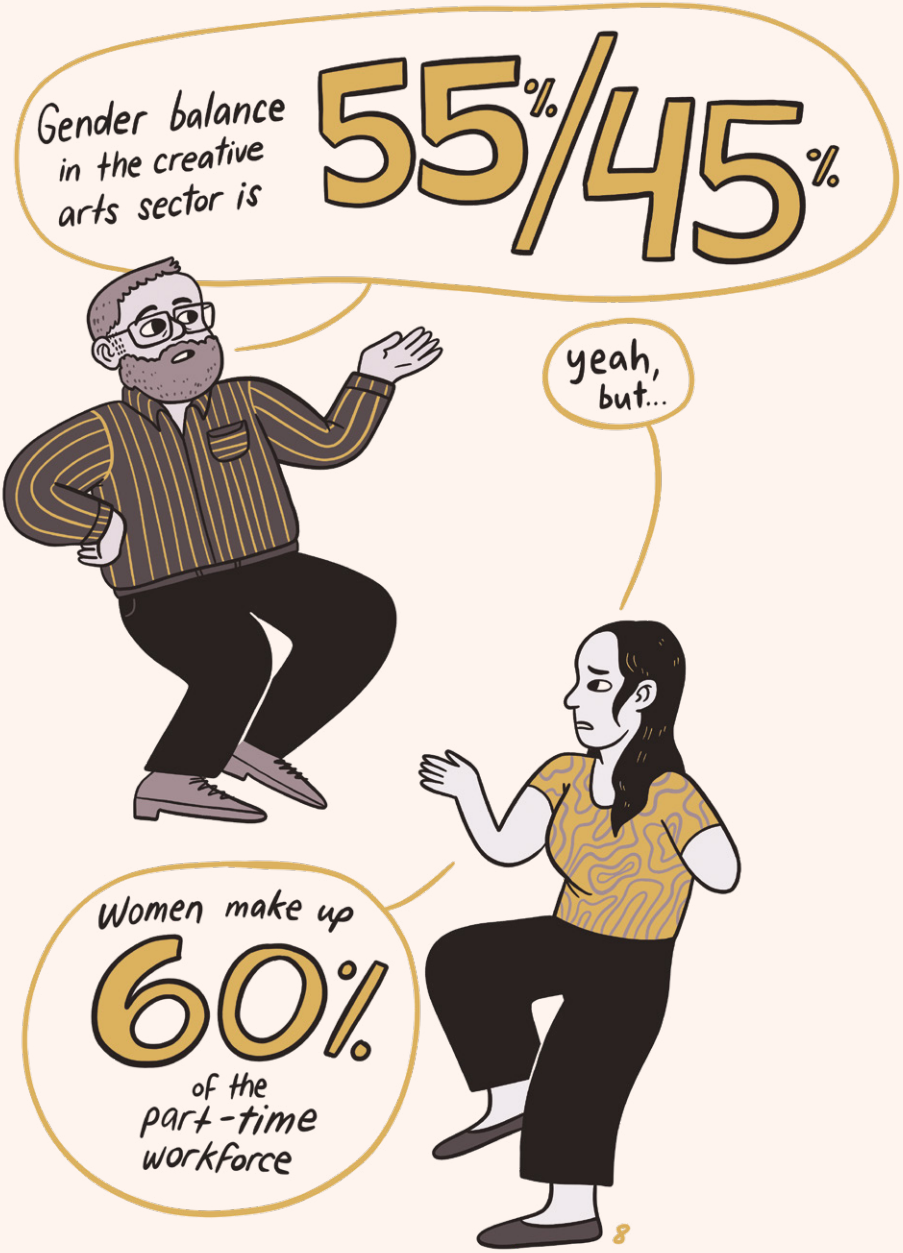
Ensuring that people are respected, and treated with dignity, whatever their role and status in an organisation is central to Fair Work. It creates workplaces that enhance employee health, safety and wellbeing, and work environments that are free from bullying and harassment.

At its most basic, Respect ensures employers meet their legal obligations for the health, safety and wellbeing of everyone in the workplace. Within the Fair Work framework, however, this concept goes further, encompassing mutual respect, trusting relationships and behaviours and practices that ensure the views, autonomy, status and contribution of everyone in the workplace are recognised.

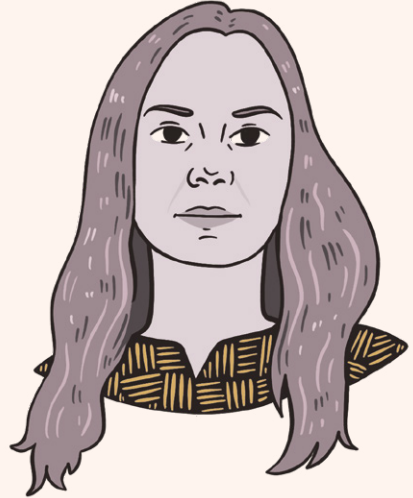
Building a respectful and dignified work culture can improve employee self-esteem and wellbeing and help to reduce conflict and potential liabilities for employers.

RESPECT IN THE WORKPLACE CAN BE DEMONSTRATED THROUGH:

- Establishing and putting into practice organisational values that promote respect and dignity, with everyone embodying behaviours and attitudes that consider the concerns of others.
- Having an authentic approach to increasing diversity at board and senior management levels through recruitment and development practices that prevent bias or barriers. This could be through blind recruitment processes, offering adjustments or support for interviews, having diverse interview panels, paying freelance board members for their time, and offering exit interviews to understand why a person is leaving.
- Developing processes and practices that ensure all workers feel safe to raise issues and are confident that their concerns will be dealt with appropriately by trained personnel.
- Making positive changes around important workplace issues such as bullying and harassment, equality and diversity, health and safety, mental health and work-life balance. These could be through employee training, supporting workplace dialogue around important issues, encouraging employee-focused wellbeing projects, or having a flexible working policy that reflects the personal and family commitments of employees.
- Engaging in workplace accreditation schemes that support Respect, such as the Carer Positive Programme, Stonewall Diversity Champions or the Disability Confident Scheme.
- Offering enhanced maternity, parental and adoption leave and pay for all staff, with women supported to return to work through keeping in touch days and refresher courses.
- Making improvements to the workplace environment to convey a positive message about the work culture employers wish to create.
- Offering buddying and mentoring support for new or returning workers, and for workers with distinct needs.



Case Study



Dundee Contemporary Arts

Director **Beth Bate** on dignity at work and the importance of creating an organisational staff culture that is caring and open.

Dundee Contemporary Arts (DCA) is a centre for contemporary art and film with two large gallery spaces, the same number of cinema screens and a well-used print studio. Its internationally-recognised exhibition programme includes the work of both Scotland-based and international artists, while it also presents events, workshops, classes and activities aimed at all ages and abilities.

FAIR WORK TAGS: EFFECTIVE VOICE, RESPECT, FULFILMENT

FORMED: 1996

BASED: Dundee

PEOPLE: 79 staff (19 full time, 52 part time (including those with flexible working arrangements, 8 casuals)

dca.org.uk

ON DIGNITY AT WORK AND CLEAR GUIDELINES FOR STAFF BEHAVIOUR

“We introduced our Dignity at Work policy in 2016 in order to put in place some guidelines for acceptable behaviour towards colleagues. I’d joined as DCA director that year and there was a growing discussion in the cultural sector about the issue, particularly being led by theatre. We wanted to make sure we were on the front foot with that, that we were able to learn from the lessons of other organisations.

“We thought it was important to not only say that staff should behave in a kind and respectful way, but also to outline behaviour that wasn’t acceptable. It’s about ensuring staff have an understanding of the type of culture that is expected at work, while also making sure they know where they can take any issues and what they should expect will happen if they do. It’s all underpinned by the more formal HR processes that you would expect.

“The policy applies to everyone, including trustees. We have a Dignity at Work champion on the board, who is also our whistleblowing representative, so if people feel that the channels they are encouraged to follow are not working for them, they can take it to them instead.”

Case Study **Dundee Contemporary Arts**

ON MEANINGFUL STAFF ENGAGEMENT

“Our Staff Engagement Group [SEG] meets every month. It’s a core group of nine, but all DCA staff are able to attend if they wish. There’s also an online whiteboard so that any member of staff can make suggestions to the SEG anonymously as well if they want to.

“The types of issues and areas they discuss is a really interesting combination. Sometimes it can be practical, operational things that they feel maybe need a little more attention or movement – you know, something as straightforward as ‘Why is that door always locked?’ Or it might equally be things that are to do with staff wellbeing and a collegiate culture.”

ON POLICY AND PROGRESS AS MECHANISMS FOR DISCUSSION

“We’ve had two quite major policy shifts since I joined DCA – around shared parental leave (which is now full pay for six months) and working from home – and we took both to the Staff Engagement Group for initial discussion. Before, there wasn’t that mechanism in place to enable staff discussion about leadership decisions.

“It’s a really helpful process because the SEG always brings up things that you hadn’t necessarily thought of. For example, our Hybrid Working Policy enables people to work from home for up to 40% of their time if they wish to. The SEG made a really good point about making it clear in the policy that we would ensure staff were supplied with the equipment they needed to do this, such as a laptop. We hadn’t made that clear to staff in the original draft policy.”

ON ORGANISATIONAL VALUES IN ACTION

“We have five organisational values: Bold; Open; Meaningful; Magical; Caring. ‘Open’ and ‘Caring’ are, I think, quite interconnected, and how we live and work with those values has changed a lot over the last couple of years. I think the pandemic, for all of the intense difficulties it unfurled, meant that we were able to really shift our thinking about how we supported our colleagues and what our role and responsibilities were as an employer and as fellow humans.

“The types of communications that I put out to staff since the start of the pandemic have become a lot more human and open – a lot clearer about where the difficulties lie and what support is available for staff. But that openness needs to be both ways – you need to then hear the things that are difficult, or the things that staff are not happy about.

“So openness isn’t just about your own emotional vulnerabilities, or your own openness about leadership challenges, it’s about being open enough for people to get back to you and say, ‘I’m finding this really difficult’ or ‘I don’t understand why this is happening.’”

ON TAKING THE STRESS OUT OF WORK CULTURE AND CONDITIONS

“I don’t want the culture and conditions of people’s work to be an additional stress on top of everything else they are having to face. There is enough for people to deal with without going to a work environment where they are not supported. This feels to me like the minimum we should be doing.”

Case Study

National Theatre of Scotland

Executive Director **Brenna Hobson** talks about the implementation of the company's Anti-Racism Plan and its impact on staff and freelancers.

FORMED: 2006

BASED: Glasgow

nationaltheatrescotland.com



FAIR WORK TAGS: RESPECT

National Theatre of Scotland (NTS) is Scotland's national theatre company. Its ambition is 'to be a 21st century Theatre Without Walls for everyone, that puts Scotland on the world stage and places culture at the heart of society.' The company tours extensively across Scotland and also internationally, nurturing new acting, writing and producing talent while also attracting well-known and established theatre practitioners.

ON IMPLEMENTING AN ANTI-RACISM PLAN

"The Anti-Racism Plan very much came out of the reinvigoration of Black Lives Matter following the death of George Floyd in May 2020. That started a conversation within our own staff group about what journey our organisation needed to go on.

"Pretty swiftly we connected with a Black-led organisation called D/cology for an initial piece of training, which has morphed into some ongoing support from them and a whole lot of other work."

ON THE NEED FOR PERSPECTIVES FROM OUTSIDE THE ORGANISATION

"We wanted a structure that enabled the senior team to be held to account, without that seeming dangerous for staff members. Working with an external partner meant that, despite my structural power, no-one had to worry if they were calling me out on something. Of course it also meant we had more expertise in the room."

Case Study **National Theatre of Scotland**

ON ADDRESSING LANGUAGE, HISTORY, AND MICRO-AGGRESSIONS

“We wanted to get everyone to a basic position in terms of some learning, so over a number of weeks we rolled out the equivalent (because we were still in lockdown) of D/cology’s three-day, full-time programme. As part of that process they met with all the staff members of colour before and after each session to bring to the fore any issues they were having.

“A lot of it was basic learning initially, which has then been backed up with an ongoing Anti Racism Group which is staff led; some board members also joined. That was a way for us to get some basic knowledge around history, around language, around some of the ongoing micro-aggressions that people of colour face.”

ON THE SPECIFICITY OF THE THEATRE SECTOR

“A lot of micro-aggressions come up in theatre, ones that don’t tend to come up elsewhere. For example, it’s very rare for there to be expertise in dressing Black hair, so Black actors are finding that they have to look after their own hairstyles in a way that a white actor would never have to do. And the way that you light actors of colour is different to lighting white artists, and not everybody has that expertise.”

ON THE IMPORTANCE OF HAVING A PERSON OF COLOUR IN THE CASTING ROOM

“Some of it is about process. For example, we’re now really aware that if we are casting artists of colour they should not only be meeting white people. They will have spent plenty of time auditioning to all-white panels, but that’s not necessarily useful for giving your best work.

“Sometimes the other person in the room is one of our staff members who is a young woman of colour. She has been conducting a casting research project for us, making sure that we’re aware of all the artists of colour in Scotland. We also bring in external consultants when we need to.”

ON ANTI-RACISM AS A JOURNEY

“It is a journey and I don’t think the journey stops – at the point you’ve embedded one thing, you’re looking at what the next goals are. Our initial concentration was making sure that staff were up to speed in terms of education, and obviously that’s an ongoing thing.

“But we also have an anti-racism learning session with all the company before every new production. That means that over time a whole lot of freelancers who are working all over Scotland are getting that training. That feels like something we can usefully be doing for the sector, as an organisation that has more resource than most.”

[To acknowledge the fact that anti-racism is a journey, we should note that National Theatre of Scotland’s practises have evolved since this interview. They are now also working with Jess Mally, co-founder of Belovd on ongoing anti-racism and anti-oppression work, and with Serenity Consultancy for any artists who need support due to the subject matter of the company’s work.]

ON FULFILMENT IN EMPLOYMENT

“It’s all well and good making sure you’re hitting your employment targets for staff of colour, and that is important, but if people are being held back from reaching their full potential while they’re employed by you, then you’re really not helping the situation at all.

“So, looking through the Fair Work lens, there has to be opportunity but there also has to be respect and fulfilment, security and effective voice – all of those things have to be in there for an Anti-Racism Plan to actually work in the workplace.”



Case Study

How three Culture Collective projects have supported Accessible Recruitment

A good way to attract a diverse and representative mix of applicants is to make your recruitment process as accessible as possible. Three Culture Collective-supported projects describe how they responded to this challenge.

Katharine Wheeler, The Stove Network, What We Do Now

The Stove's Culture Collective project '**What We Do Now**' recruited creative freelancers to work in five towns across Dumfries and Galloway. Briefs were co-created with the intention to amplify underrepresented groups through place-specific, relevant, community-led artistic projects.

In thinking about accessibility through the recruitment process, time and resources were put into ensuring the call-out and application process was approachable and supportive to diverse individual needs. This included:

- Using straightforward language in the application pack, with detail provided on the Stove's understanding of some of the terms used, such as 'creative practice'.
- Providing clear Text and BSL video versions of the application materials and allowing applications to be submitted in varying forms, such as audio or video.
- Providing clear detail on the selection criteria and application process, including expected dates for interview and the outcome of applications.
- Holding group sessions and offering 1-2-1 information sessions, open to anyone interested in the opportunities. This was a very successful approach with a substantial take up.
- Giving considered and individually tailored feedback to interviewed artists who requested it with particular care taken for those who had made previous applications to The Stove.

Trying to be accessible and offering more person-centred approaches to recruitment takes time, and the team really put their whole selves into this process. I think we all learned a bit more about the resources and energy needed to manage and support accessibility issues effectively through this process.

As a sector we need to keep reflecting this to funders and partners, in our communication, our budgets, and through honest reflection and evaluation, in order to make opportunities more inclusive and available to all.

Case Study **Culture Collective**

Mhari Robinson, Independent Arts Projects, Sensory Collective

In Autumn 2021 the **Sensory Collective** recruited a team of six artists and one producer to deliver a new year-long programme of sensory arts activity in six areas across Scotland.

This project collaborates with disabled people to co-design a programme for those who experience multiple barriers to accessing mainstream arts activities. As such, it was especially important to recruit a team with lived experience of disability.

The steps Sensory Collective took to make their recruitment process accessible included:

- Providing job packs in a range of formats including PDF, audio, as videos (alongside a captioned introductory video about the project), as well as large print versions in mono and in blue, green and purple.
- Holding 15 one-to-one sessions (via Zoom and phone), and one group session for potential applicants to ask questions about the role. FAQs from these sessions were written up (anonymously) and shared on the website for those who didn't attend a session.
- Paying a freelance artist was paid to sit on the interview panel to bring an additional perspective.
- Sending information about the interview process to interviewees 48 hours in advance. This included details of who would be on the panel, what questions would be asked, and what the interview structure would be. Interviewees were offered a choice of Zoom or face-to-face interviews.
- Taking a more 'human' approach to recruitment. Applicants were acknowledged with personal emails thanking them for their time and offering feedback.

Natalia Palombo, Deveron Projects

Deveron Projects is working with artists through three open calls: Room to Fail; Room to Grow; and Room to Do Anything You Like. These are all tied into Deveron Projects' curatorial framework, 'The Town is the Venue'.

Deveron Projects' rural location often means that artists need to relocate to Huntly, where they are based, for the duration of a residency, so it's especially important to help artists understand whether the role is right for them.

Deveron Projects' recruitment process included the following considerations:

- Providing very flexible, open briefs, encouraging applicants to bring their own experience and input to shape a role and remit that suits their interests. Artists were encouraged to choose the length and structure of their residency.
- Creating a two-stage application process, with the first stage being a simple one-page expression of interest. Applicants who were invited to progress to stage two of the recruitment process were paid £250 for their time to prepare for – and attend – this stage. Stage two was a discussion which specifically drew on questions and detail from their stage one application. This shared the responsibility of preparing for this stage more evenly between the applicant and the organisation.
- Being aware that the scale of these commissions (£18,380 fee, £10,000 production budget) can feel intimidating to some artists. As such, Deveron Projects made a particular effort to contact artists directly, as well as creating a fully open call, to encourage them to make an application.
- Encouraging applicants to call the team to discuss these opportunities and their experiences of working and living in Huntly. This helped make sure applicants had enough understanding and information about the local context to propose relevant projects.

Mini Case Study

Scottish Black people, People of Colour (BPOC) Writers Network

Safer Spaces Policy

SBWN's policy offers clear guidelines on acceptable behaviours at in-person events and online, with the aim of creating a network that is inclusive and supportive.

Organised around nine key points that include 'Consent', 'Calling Out', 'Accessibility' and 'Security', the policy provides a framework for safe and productive discussion that respects other people's unique identities and boundaries.

"We will not wait for issues or harm to happen," state SBWN, "but will proactively challenge oppression and hierarchy in everything we do."

FAIR WORK TAGS: RESPECT, EFFECTIVE VOICE

scottishbpocwritersnetwork.org

Mini Case Study

Parents in Performing Arts (PiPA) – Charter Programme

PiPA's Charter Programme is a tried and tested framework providing tools, resources and policies for organisations to start implementing family-friendly working practices. Signing up gives access to an individual working practice assessment survey, extensive research, best practice case studies, bespoke support, action plans, sample budgets, guides, practical resources and recognition as a 'Charter Partner'.

FAIR WORK TAGS: RESPECT, SECURITY, FULFILMENT

pipacampaign.org/charter-programme

→ FURTHER READING

Fair Work Convention – [Respect](#)

Scottish Government – [Fair Work First Guidance](#), 2023

HM Government – [Equalities Act 2010](#)

Scottish Government – [Minority Ethnic Recruitment Toolkit](#)

Think Business, Think Equality – [Assessment Tool](#)

Close the Gap – [Flexible Working Workbook](#)

BFI – [Diversity and Inclusion Standards](#)

SOLT / UK Theatre – [Safeguarding: Bullying, Harassment and Discrimination Toolkit](#)

Jerwood Arts – [Socio-Economic Diversity and Inclusion in the Arts Toolkit for Employers](#)

6

Fair Work Dimensions

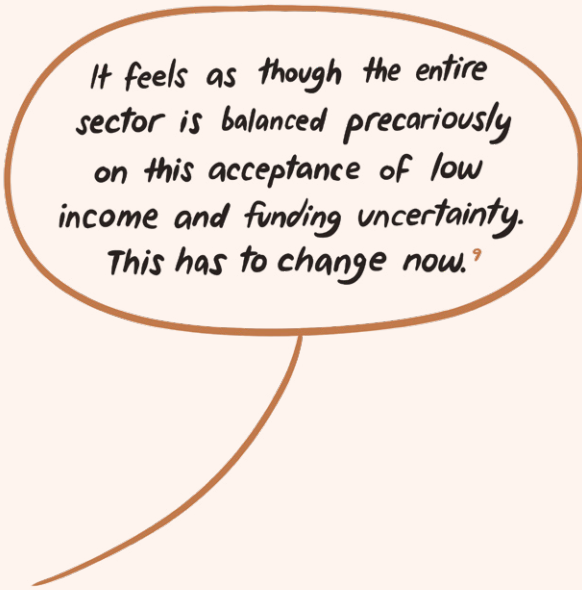
Security



CASE STUDIES

Intercultural Youth Scotland 90

Independent Arts Projects 94



It feels as though the entire sector is balanced precariously on this acceptance of low income and funding uncertainty. This has to change now.⁹

Security

Security of employment, work and income are essential to wellbeing and stability across the creative and cultural sectors. In the *2022 Review of Fair Work* a universal priority for its employers was resolving low pay and precarious work.

In the current economic context, with competition for both funding and other income at an all-time high, achieving security is undoubtedly difficult – but the burden of insecurity and risk should not rest on the shoulders of employees or other freelance workers.

Having stable employment allows people to plan their day-to-day lives, and plan and save for their and their family's future. When people feel secure in their work, and their ability to care for their families, they are more capable of fulfilling their own needs and achieving their best in the workplace. Offering predictable work, as well as a good work-life balance, can help employers reduce staff turnover, and reduce recruitment and training costs.

**AS A DIMENSION OF FAIR WORK,
SECURITY CAN BE SUPPORTED BY:**

- Building stability into contractual arrangements that include appropriate terms and conditions, regular and reasonable hours, holiday entitlement, sick pay and pension contributions.
- Ensuring all contracts (employed or freelance) are paid fairly and equitably, with reference to industry standard rates of pay and the Real Living Wage.
- Adopting a policy of no inappropriate use of zero hours contracts or exploitative working patterns. For example, offering only paid internships, not using volunteers for roles that should be employed, and not asking anyone to work or give their time for free.
- Offering flexible working to align with family life and caring commitments.
- Working towards becoming a Real Living Wage accredited employer.



Seeking expert advice

For any company or charity in the creative and cultural sector employing staff, freelancers or volunteers, there is a range of employment law, health and safety and confidentiality responsibilities to understand, navigate and comply with. You can find a host of good information online to help with this (we've provided some links below), but if you are making any organisational change or decision that will affect employee or freelance terms and conditions (for example changes to people's contracts, pay, hours, mode of work, or restructuring or redundancies), it's important you seek advice from a specialist advisor such as an employment lawyer or HR specialist.

- HM Government provides information about **employing people** (including pay, contracts and redundancies) and **employment contracts**.
- **Business Gateway** offers guidance on recruiting staff, types of employment and contracts and a step-by-step guide to your legal duty to consider **flexible and home working arrangements** for employees.
- HMRC's **Check Employment Status for Tax** can help if you are unsure about whether roles you employ should be classed as employed or self-employed for tax purposes (referred to as off-payroll working or IR35 by HMRC). If this doesn't help, seek advice from an HR specialist.



- **ACAS** provide a broad range of guidance, templates, training and services to support employers (and help resolve disputes) around workplace rights, rules and best practice.
- If you recognise a union in your workplace, there are rules you must follow, such as informing and consulting the union about major changes in the workplace. You can find out more about working with unions from **HM Government** and **ACAS guides on trade union and employee representation**.
- **The SCVO HR and employment support service** is available to voluntary sector organisations in Scotland. SCVO also publish clear guidance on best practice policies for **working with volunteers**.
- For specialist employment law advice, find a lawyer near you through the Law Society of Scotland's **find a solicitor tool**.

→ FURTHER READING

Fair Work Convention – **Security**

Scottish Government – **Fair Work First Guidance**, 2023

The Real Living Wage Scotland –
How to become a Real Living Wage Accredited Employer

ACAS – **Employment contracts**

Close the Gap – **Close Your Pay Gap Toolkit**

Mini Case Study

Scottish Council for Voluntary Organisations

HR Information and Resources

The SCVO HR Service offers an impressive range of free-to-access resources to help ensure voluntary and charitable organisations in Scotland are able to properly support their staff teams.

From downloadable guides and HR policy documents to a 1-2-1 advice service, areas covered include recruitment, contracts, hybrid working, staff development, wellbeing, and organisational culture.

SCVO intend that the information, tools and templates provide ‘everything you need to be a good employer.’

FAIR WORK TAGS: OPPORTUNITY, FULFILMENT, RESPECT

scvo.scot/support/hr



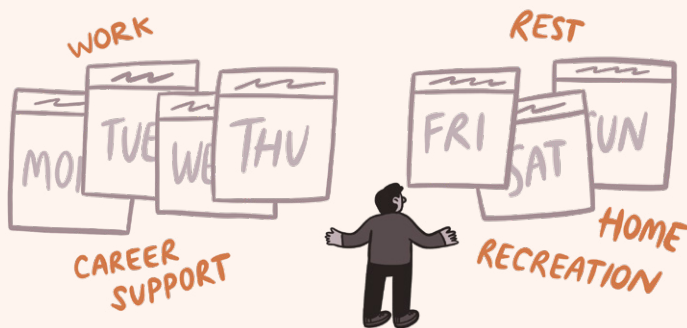
Case Study

Intercultural Youth Scotland

Head of Communications **Chidera Chukwujekwu** discusses the ways the organisation is supporting its team, from a standard four-day week to free and anonymous counselling support.

Intercultural Youth Scotland (IYS) is Scotland's leading charity for young Black people and People of Colour (BPoC). Describing itself as 'a community, a service and a voice for BPoC young people', its services cut across youth work, ant-racist education, career support, skills development, advocacy and mental health.

FAIR WORK TAGS: RESPECT, SECURITY, FULFILMENT



ON WORK/LIFE BALANCE AND THE NEED FOR RECUPERATION

“All full-time staff in the organisation work a four-day week, Monday-Thursday. Introducing the four-day week was all about the wellbeing of staff. We recognised the impact on our staff of the work we do; the impact of being in spaces that might not be receptive to the anti-racist change we’re trying to bring.

“For us, the four-day week is an attempt to consider this impact and to make sure our staff have enough time to recuperate, as well as get involved in other activities and live more rounded lives. When you work in a sector that you are personally invested in and connected to, it’s really difficult to separate the two. So a little more time away from work gives you the opportunity to decompress, level out, get ready for the next week.”

ON MENTAL HEALTH AND NEURODIVERGENCE

“As well as allowing for better inclusion of people who have parenting or care responsibilities – often women – we’ve found that the four-day week also allows for better access to employment for people who might have heightened access needs, for example in relation to mental health or being neurodivergent. That extra time away from work is invaluable.”

Case Study **Intercultural Youth Scotland**

ON WELLBEING

“We try to create a supportive environment within the organisation. For example, we have a provision for staff counselling with a professional counsellor. All staff have access to a wellbeing account which can be used entirely external to the organisation to protect their privacy.

“We have also been working on the internal development of the organisation to better meet wellbeing needs for staff. The first step being sharing a development plan to allow teams to see and feed into the direction of the org as a whole; particularly in terms of our own structures and cultures.”

ON THE REAL LIVING WAGE

“All through our organisation, we don’t employ anyone on less than Real Living Wage. We also organise internships for young BPoC through our Restless Natives careers service, working with partners like Scottish Ballet, Edinburgh World Heritage and Edinburgh International Book Festival. We ensure that all internships are paid and we strongly encourage partners to make the Real Living Wage the minimum for these opportunities.

“We want to give the participants a chance to earn and a great opportunity to get experience they can use for future steps in their career.”

FORMED: 2019

BASED: Edinburgh

PEOPLE: About 30 full-time staff, with 2 part-time staff and recruitment of freelancers as needed.

interculturalyouthscotland.org

ON GROWING AN ORGANISATION WITHOUT BREAKING IT

“Staff wellbeing has been a focus for us over the last year. When we started out it was lots of really new stuff, lots of really cool stuff, more staff recruitment – it was all great, great, great. But we knew that to grow healthily, it was important that we spend time to intentionally build up our internals and make sure that as the organisation grew, we were also growing the capacity for teams to be supported.

“We didn’t want to be an organisation that only communicates what we want externally; it’s about also trying to reflect the change we want internally. We believe in a more equitable sector all over, and at this point we are a mid-size employer of BPoC staff, and particularly BPoC young professionals. So here’s our chance to reflect the fact that BPoC young people can be professionals, can deliver, can achieve at a high level. It’s at the core of what we want and so it’s important that we also reflect that as an employer.”

ON ANTI-RACISM

“We provide anti-racism training for other organisations because we want to make sure other workplaces can learn how to be safe environments for young BPOC to thrive.

“We do training for IYS staff as well, to make sure we share and consistently build up our knowledge of anti-racism within the organisation. There are always new conversations and new learning in the world of anti-racism and equalities and it’s important that these feed into our approach and understanding.”

Case Study

Independent Arts Projects

Founder and Executive Producer **Mhari Robinson** shares the challenges of a small producing company with big ideas.

FORMED: 2018

BASED: Edinburgh

PEOPLE: 1 full-time, a 7-strong Sensory Collective of part-time staff and freelancers, plus other freelancers on a project basis

independentartsprojects.com



FAIR WORK TAGS: SECURITY, OPPORTUNITY, RESPECT

Independent Arts Projects (IAP) produces, presents and tours performance projects across Scotland, often collaborating with performers and other freelance practitioners from underrepresented groups. With its focus on families, diversity and people with additional support needs, the company works with artists from various disciplines and backgrounds to explore identity, representation and sensory experience.

ON GIVING PEOPLE OPTIONS

“Our ‘Sensory Collective’ has allowed us to offer something more secure than the usual freelance contracts, which are so often rubbish. We were able to offer six part-time roles and one at four days a week. We felt it was important to give everyone the option to be freelance or employed. We said: ‘What works for you?’, rather than, ‘Here’s the offer.’

“We did massive job packs in multiple formats so that everyone had as much information as possible. You absolutely don’t want to make people’s decisions for them, but you do want things to be as simple as possible.

“For those who chose to be freelance, we built into their fee the amount equivalent to National Insurance and pension, so that it was the same as those on employment contracts. And we explained all that in the employment packs.”

Case Study **Independent Arts Projects**

ON WORKABLE POLICY

“Our policy documentation is definitely a work in progress. Getting those informal approaches in place is all about trial and error: does this work, what can we do better, what can we learn? And then it’s about getting it written down, so that when other people join the organisation they know how we do it, they know what’s important to us and how that’s reflected in the opportunities we offer.

“We have to bring in a lot of temporary project staff, and that can bring with it issues around communication. Last year, for example, we had a situation when a project producer ended up emailing someone at ten to six on a Friday to tell them, ‘I’m sorry, you’re not invited to audition anymore’. I mean, we don’t do that! We think about the journey people are having, the experiences they’re having with our organisation – we want that to be really positive even if we don’t end up working with them.

“Not having processes and procedures in place, and not communicating them really clearly to incoming staff, was definitely the issue there. Now we have a far more formalised way of recruiting people, with proper recruitment packs.”

ON ACCESS QUESTIONNAIRES AND ENERGY LEVELS

“All our team have been asked to fill out access questionnaires that have lots of questions, like: ‘How do you like to work?’; ‘What’s your communication style?’ It feels really important to try and communicate these things and put them in place in the organisation.

“For those who are neurodivergent we’ve developed a shorthand as a way to quickly understand their energy levels. So they can go: ‘My energy’s at 5 today, or my energy’s at 1 today and I can’t talk about it, I need to stop.’”

ON PAID WORK EXPERIENCE AND SKILLS DEVELOPMENT

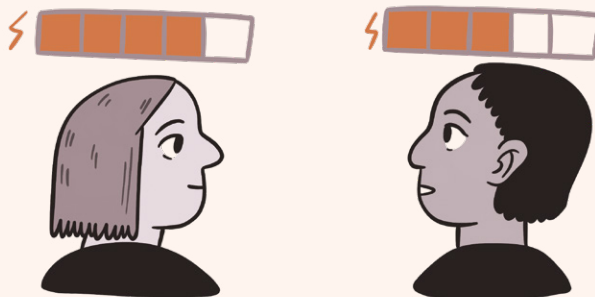
“We don’t have any volunteers, we’re against that – everything has to be a proper, paid work experience. And if there is a trainee opportunity then that trainee has to be supported by somebody who knows what they’re doing – they’re not a replacement for a job.

“With the Sensory Collective we wanted a real balance of people who were at different points of their career – pathways for leadership are really lacking in the sector. With our Associate Artist roles, we usually want it to be a big step up for them; it needs to be an opportunity they’ve not had before, but also that they might bring their own lived experience to the role.”

ON RECOGNISING THE WORK THAT GOES INTO APPLICATION WRITING

“It makes me really angry when I see a call out for, say, a £200 fee. What a waste of so many people’s time – the rejection rate for these call-outs is awful. And you have to think, what are organisations gaining from allowing people to be rejected over and over again?

“Taking the time to acknowledge the work that goes into application writing is really important. Open recruitment for jobs that are secure and stable, and have clear hours and benefits – that is what we want to be offering in the sector.”





Mini Case Study

Raising Films

Raising Films Employers' Checklist

Raising Films have published industry checklists for individuals, small employers, large companies and publicly funded organisations that clearly set out recommendations and standards to increase security of parents and carers working in the film and media sectors.

Key actions include using official contracts stating the terms of employment and rights, employment expectations, anti-discrimination codes of practice, working hours, flexible working, appropriate and inclusive recruitment and development practices.

FAIR WORK TAGS: SECURITY, RESPECT, OPPORTUNITY

raisingfilms.com/industry-checklists-for-positive-change



Mini Case Study

BetterThanZero

Formed by precarious workers in 2015 with the support of the Scottish Trades Union Congress, BetterThanZero takes action against exploitative employers in Scotland to expose ill-treatment, and to educate workers to organise their workplaces. It has successfully campaigned against non-payment of the minimum wage, unpaid shifts, exploitative conditions and misuse of zero-hours contracts and volunteering.

FAIR WORK TAGS: SECURITY, EFFECTIVE VOICE

betterthanzero.org.uk

7

Fair Work with freelance workers

CASE STUDIES

Luminate	110
Deveron Projects	114
Fèis Rois	118





Covid-19's impact on the creative and cultural workforce has been severe, but even with current challenges there are real opportunities for employers to reimagine better futures, and to implement Fair Work practices and behaviours tackling longstanding issues of low pay and precarious work.

Here, **Morvern Cunningham** reflects on the evidence from the Review of Fair Work¹¹ and makes a case for Fair Work for Freelancers.

ON IMPACT ON FREELANCERS

The Covid-19 pandemic has had a devastating impact on the cultural sector in the UK, and on none more so than its freelance creatives. Although the cultural sector as a whole was negatively impacted by Covid, it was precariously-positioned freelancers who were disproportionately affected, and whose demographic includes a high proportion of women, under-25s, those with a disability and those from a minority ethnic background. The impact on the freelance workforce has been stark. Many freelancers juggling PAYE and freelance contracts found themselves ineligible for any kind of structured government support throughout the crisis. Some were forced to leave the cultural sector altogether in order to find better-paid, available and stable work elsewhere. The skills loss created by the pandemic will not be immediately resolved by a younger workforce coming into the sector alone, instead leaving a skills shortage to be met instead by employers and commissioners now.

As a result, the impact of Covid-19 on the cultural sector has been greatest on its most vulnerable yet vital workforce, who were occupying already precarious roles pre-pandemic. Indeed, the importance of creative freelancers to Scotland's cultural sector cannot be underestimated: the sector is entirely dependent on them. They are a vital part of the cultural ecology; it simply doesn't work without them.

So, what can employers do to better support the freelancers they work with, to help to resolve some of the challenges they face, and to build a stronger and more resilient cultural sector in the process?

ON CHALLENGES ACROSS THE SECTOR

Findings from the *Review of Fair Work Survey Report* (Nov 2021) found that the biggest challenge being experienced by freelancers was the expectation from employers to work more hours than initially contracted. This issue was closely followed by experiences where employers were unwilling or unable to pay recommended freelancer day rates, alongside the sporadic and inconsistent nature of freelance income. Conversely, the main challenge identified by employers was ensuring freelancers were fairly paid for the hours they worked, alongside funding freelancer day rates and understanding different types of contracts. From the contrasting nature of these similar and interlinked key challenges experienced by freelancers and employers, some key themes begin to emerge.

ON FAIR WORK SECURITY AND EFFECTIVE VOICE

Both contracting and fair payment were recurring challenges raised both by employers and freelancers. For employers, the lack of sustainable funding or income, consistent guidance, and accessible, affordable legal or HR advice have impacted their ability to forward plan, budget and offer longer-term contracts. Overall, this means a lack of confidence around best practice, particularly in negotiating freelance contracts. Contracting freelancers fairly around time-limited contracts or initiatives (for example, festivals or residencies) was of particular concern. The often-changing nature, direction and duration of creative projects was raised as a contracting “headache” with implications in terms of being able to appropriately forecast spending needs, manage and report on budgets, all of which could potentially result in dispute.

The reliance on volunteers and the prevalence of unpaid interns was also raised as an issue, particularly for those working in festivals and live events, and media production. While some contexts rely on true volunteering, which has both community and social benefit and impacts, in other situations the reliance by employers on a steady stream of unpaid labour was seen as detrimental both for sector best practice and career development.



Only **38%** of freelancers
said that they were always
paid on time when working
in the cultural sector.²²

ON FAIR WORK FULFILMENT AND RESPECT

The issue of wellbeing is a huge topic when it comes to the freelance workforce. Freelancers often find themselves unable to afford professional development and support opportunities when they are not affiliated with an organisation. There is currently no structured or open access HR support for freelancers – although some can be accessed through paid union memberships, dependent on individual specialism or field.

During the *Review of Fair Work* consultation sessions (Jan 2022), freelancer participants (and those contributing to the leadership sessions), placed wellbeing as a higher priority than the rest of the groups that participated, though wellbeing was raised as a concern across the board. Indeed, stress and burnout are recognised as substantial issues for the cultural sector in general, issues that are of particular significance when it comes to freelancers. Furthermore, the isolation of freelance workers means little opportunity for the type of workforce solidarity and knowledge exchange that can take place within an organisational context, though formal and informal freelancer networks have sprung up in recent years to meet this challenge.

¹² *The experience of being a freelancer in the Scottish literature, languages and publishing sector*, Literature Alliance Scotland, 2023

ON EFFECTIVE VOICE AT THE SITES OF DECISION-MAKING

Although the benefits of flexible freelance working are widely recognised, it is deeper systemic issues that freelancers regularly complain of, including the inherent power imbalance between freelancers and employers. For some freelancers there is the option to join a union who can advocate for them, but these organisations are often sector specific, meaning that some freelancers fall through the cracks, and to date there is no one union in Scotland or the UK that represents creative freelancers as a whole. Lack of freelancer power also manifests itself in a lack of representation at the decision-making table. If freelancers are not invited to make a contribution, or not reimbursed for their time in contributing to sector-wide conversations, it is hardly surprising their needs are often not met by a sector that may struggle to understand how best to support them. It also means that crucial voices are often missed when it comes to advocating for change across the sector, amid demands to become more equitable and inclusive.

ON FAIR WORK OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT

The imbalance in power that is generated by a system whereby freelancers are often working in isolation, with little or no access to HR or professional development opportunities, versus organisations that have embedded policies and structures to support their staff on payroll, can lead to a feeling of powerlessness on behalf of freelancers. Having limited access to professional development means for many freelancers an inability to gain new skills or networking opportunities, which means limiting career development.

If only those who can afford to self-fund have access to professional development, this contributes to a lack of diversity and representation of wider society in the freelance creative workforce, thereby adding to existing inequalities within the sector.

ON THE CHALLENGES FACED BY EMPLOYERS

Additional guidance on working with freelancers was requested during the Fair Work consultations, specifically “best practice in contracting and fair pay, as well as incorporating working practices and cultures that fully value and respect their contribution to organisations and projects.” This guide and the case studies contained within it are a small step towards that, and will hopefully be a useful starting point for employers who work with freelancers. But there is clearly still a great deal of work to be done if fair work is to be experienced by everyone in the cultural sector. With many institutions and organisations still struggling to return to some semblance of normal as we emerge from Covid, and the need to face new and ongoing challenges, including the cost of energy crisis, rising inflation and flatlining public funding, it is not going to be easy.

There is some hope, however. As the following examples and case studies will show, there are already creative organisations who are rising to current and ongoing sectoral challenges by implementing new, fairer ways of working that are more human-centred. In the current climate, we need cultural leaders who are able to see beyond current challenges and to imagine better ways of working, whilst modelling these in practice.

This kind of visionary leadership, presented in the case studies in this section and across this guide, is key to having a resilient and robust cultural sector in Scotland going forward – one that can be caring of its people and ambitious in its scope.

Please take freely from the examples contained here and modify them to fit your own sphere of operations, as learning is most useful when shared widely.

Practical steps

The following are practical steps employers and commissioners can take to improve fair working with freelancers.



TRANSPARENCY

Be transparent in your working practices by having a policy you can share which sets out how you aim to work with, contract and pay freelancers (referencing industry standard rates of pay) and that you commit to paying on time.



CONTRACTS

Always provide a formal contract or Letter of Engagement that clearly describes the work being commissioned, whether the contract and negotiated fee includes payment of time to develop proposals and the costs of materials or equipment, the delivery timetable for the work, the negotiated fees and any rights granted, and what will happen in terms of fees if the activity contracted is postponed or cancelled.



PROVIDE CLARITY

Be clear about the scale and scope of the project or commission and its accompanying budget, including how the project is funded, the amount of funding is already in place, or still to be secured.



INCLUDE FREELANCERS

Include freelancers at the point of decision-making in projects where their contribution is central to the successful delivery of the work.

**PROTECTION**

Ensure the health and safety of freelancers working for you, as well as their right to work without discrimination, bullying or harassment.

**REIMBURSE**

Reimburse freelancers for attending meetings, as well as travel and training that is essential for the delivery of a project e.g., client meetings, health and safety training or travel and time to reach project delivery sites. Some employers offer care or access 'riders' or extra flexibility for freelancers with caring needs to support their contribution into a project.

**TRAINING**

Where possible, consider opening up training sessions that are available to salaried staff to freelancers who work regularly with you.

**CONNECT**

Introduce freelancers to your workplace and at least one named member of staff so they are comfortable and confident in asking for help or support while they work for you.

**LEARN MORE**

Consult the **Illustrated Freelancer's Guide** for best practice examples and case studies from a freelancer perspective.



Case Study

Luminate, Scotland's creative ageing organisation

Anne Gallacher is Director at Luminate and has held the post since the first Luminate Festival was launched in 2012. Here, Anne talks about Luminate's Artist Support Programme, developed in response to the impact of the Covid-19 pandemic on its freelancers.

FAIR WORK TAGS: OPPORTUNITY, RESPECT, FULFILMENT

Luminate works across Scotland to ensure that older people's creativity can flourish whatever their circumstances, experience, interests and ambitions. This includes supporting artists to work in older people's social care settings in the form of workshops and residencies. Luminate was initially founded as an annual creative ageing festival, and from 2017 shifted to a development focus with a year-round programme.

ON SUPPORTING ARTISTS IN CREATIVE AGEING

“Our freelance artists who work in creative ageing practice – including in care homes – were massively affected during the pandemic; it was a considerable emotional toll to know that you could no longer see the older people who you may have been working with for some time, and that some of those older people were very vulnerable to the virus and might die if they caught it. We became increasingly aware of the pressures our artists were under, and wanted to do something to help.

“We ran a series of activities to bring artists together – including one with creative practitioner Nicola Naismith. They made a difference. So we asked Nicola to design a pilot programme to support them further.

“The programme needed to have a loose enough structure that it could evolve as the artists' needs became clearer. It involved both structured and informal sessions, with flexibility for the group to decide how they wanted to carry on working together at the end.

“Twelve artists took part in the five-month programme. Importantly, we paid them a bursary (about two thirds of their usual day rate) to cover their time to attend both sessions with Nicola and the ones they self-organised. We also paid them for some reflection time, because to have the biggest impact people needed to have time to think and process what they’d got out of the sessions, and not have to get straight back into delivery.

“It became apparent from the very first session how much people valued the programme and the peer support it offered. Making time for themselves and one another, the group could work together to try and find solutions, and support one another through the challenges they were facing. We funded them to keep the peer support going after the programme ended too.”

ON THE CHALLENGE OF PUTTING FAIR WORK INTO PRACTICE

“There’s no point in pretending it’s not challenging, because as subsidised arts organisations have been on a funding standstill for years, it is challenging. There are many out there who would like to support freelancers in this way, but feel they can’t due to lack of resources. For any organisation, it’s a balancing act as you’re always juggling priorities and resources.

“We’re an organisation that is all about people’s right of access, so it’s logical that this rights-based approach is extended to all the people we work with. It’s about a right of access to skills development and a right to fair work. It’s really important for us to make sure we’re building the ability to pay artists properly into our budgeting and planning processes.

“I’m also not going to sit here and pretend we always manage it well. Even for an organisation that thinks this is important, as we do, there are difficult financial decisions to be made, but we’re working it out.”

ON WHAT WAS LEARNED FROM THE SUPPORT PROGRAMME

“We’ve learned how important it is to bring our freelance artists together. This is something we’ll continue to do on projects going forward, because the peer support is invaluable. So invaluable in fact, that we’re aiming to include peer support for artists as part of our project contracts going forward. It’s not always possible budget-wise, but we now try to include a minimum of one gathering of the artists involved in any project, and where budgets allow, we build in more.

“For Luminare, we recognise freelancers are utterly integral to what we do, and without them we can’t deliver great work. The wellbeing support we’ve been able to offer improves the quality of the projects we deliver, as the artists come out with a greater sense of confidence which improves delivery as we then have artists who are looking after themselves and have a support network behind them. As a result of the support programme, we’ve also now got 12 artists who are great advocates for Luminare, who really appreciate what we do, and say that publicly.”



FORMED: 2012
BASED: Edinburgh
PEOPLE: Five
luminatescotland.org



Case Study

Deveron Projects

Deveron Projects' Director **Natalia Palombo** took up their post in February 2021. Here, Natalia discusses how the team at Deveron Projects go about contracting artists in a flexible way.

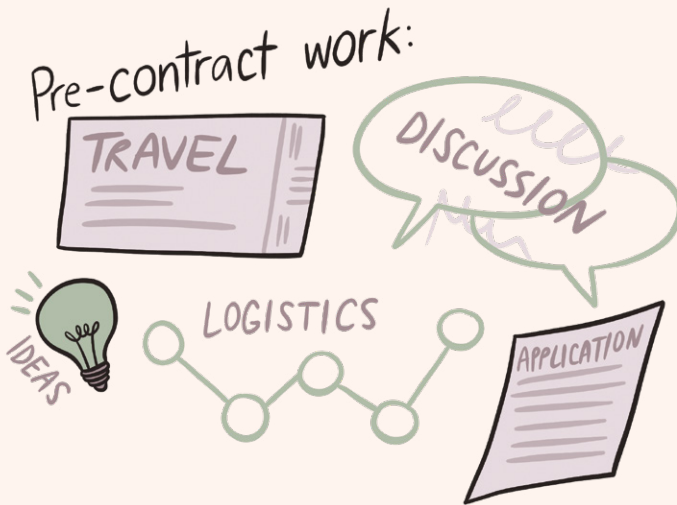
Deveron Projects is a socially-engaged arts organisation, based in Huntly for over 28 years. It works collaboratively to connect artists, communities and place through the process of making art; working with/in the town to break down barriers to contemporary art, uplift a multitude of cultures and effect social change.

FAIR WORK TAGS: SECURITY, EFFECTIVE VOICE, RESPECT

FORMED: 1995**BASED:** Huntly**PEOPLE:** Five staff
and one intern**deveron-projects.com**

“At Deveron Projects, we work with a range of artists across the year, both freelancers and PAYE staff, and no two artists’ contracts are the same. There is some crossover, fundamental elements around copyright and our values, but in terms of timelines, how budgets are used, outcomes, etc., these are all tailored to suit the artist and the project.

“Our contracts are also open to change – we quite often shift payment plans and timelines during projects. This is something that might differ with other organisations, but as a residency-based organisation without a presentation space, and therefore without the pressure to produce something new, specific or final, we can be flexible and responsive with the artists we work with.”



ON THE PROCESS OF CONTRACTING ARTISTS

“There’s a significant amount of work that comes before we write a contract with an artist, including the whole application process. Once we have decided we want to work with an artist, we’ll invite them up to Huntly to visit for a few days before contracting. This time and travel is remunerated. We’ll take time as a whole team to think through what an artist wants to do and how it might be possible with them, so by the time an artist comes on residency we’ll have a clear idea of how to support them to make the work they want to make, and create the right contract for the project. This is also a great opportunity for us to build relationships with artists and the trust that goes with that.

“It’s important for the organisation to have the ability to be flexible and realistic, but also provide a supportive structure – we find that many artists want tangible outcomes or develop a certain kind of engagement with our communities in Huntly. We are in a unique environment, community-facing, rural and process-focused – ideas inevitably change once an artist or practitioner has connected to the place so flexibility on both sides is essential. They may come into the residency with intention of making a publication, but actually end up creating a youth group.”

ON ADVICE FOR OTHER ORGANISATIONS

“There are limited resources, but a lot of what is required is time. It takes time to create adequate space for projects to develop, to adapt and then to change. It can put a lot of pressure on organisations to do this work properly, so a wider approach to de-growth has driven our way of working – making sure there’s space within someone’s time in the team, or our programme broadly, to work meaningfully with artists. Structurally, it takes a lot of work to slow down, ironically, but we can all shift our expectations of what we’ve set out to do.

“There is still the issue of money. For example, we’ve extended all our projects by at least a month and paid for that additional time, which requires a degree of financial flexibility. We also intentionally leave space in our calendar in order to have flexibility in the programme (We are still working on this!). One value we always apply is to pay the artist what was initially agreed, or more, even if the project changes.

“We’re also sharing the budget regularly. This doesn’t always mean changing it – our budgets are complex, relating to up to ten other projects at one time, so we need to have control over this to ensure our organisation is sustainable. In terms of accountability though, I always make a point of sharing openly with artists about money and what is available, setting expectations early on. We find this transparency really useful, showing what money can be spent on and how their project fits into the wider programme.

“We’ve been working this way for at least two years, as part of a concerted effort to analyse and develop new ways of working as a relatively new team in a long-standing organisation. Openness and flexibility enables positive relationships (with artists and partners), which we all prioritise. Harmony is incredibly important to me and how I work. This can be an intense environment for people to work in so it’s really important that people are comfortable. We want to work well with our artists, and work with them again too.”



Case Study

Fèis Rois

Fèis Rois Chief Executive **Fiona Dalgetty** has been in post since 2009, and here gives an insight into how the organisation supports the many freelancers they work with.

Fèis Rois enables people of all ages to access, participate in and enjoy the traditional arts and Gaelic language through a diverse programme of activities in Ross & Cromarty, across Scotland and beyond. The organisation aims to give young people and lifelong learners the opportunity to experience and engage with traditional music and Gaelic culture in a way that supports them in developing their social skills and inspires them to reach their full potential.

ON THE DISTINCT NEED FOR FREELANCERS

“On a normal year, we would typically work with around 400 freelance artists. Even during Covid we worked with 216 freelancers, which was a comparatively small number for us. We’ve got really good relationships with all the freelancers we work with, and most of our PAYE staff have been freelancers at some point themselves so they understand the issues.

“Fèis Rois can’t exist without freelancers, they are a core part of our team and we’re all colleagues together. During the first year of the pandemic, we completely pivoted from prioritising our communities of participants, to working out what we could do to support freelancers. We were really mindful of looking after people, such as setting up online spaces where folk could check in with each other.”

ON SUPPORTING FREELANCERS

“Fèis Rois always pay our freelancers Musician’s Union rates (which includes prep time), as well as a loss of earnings payment in order for freelance staff to attend meetings. Our classes are 45 minutes long, but we pay for an hour’s work. We pay more than we legally have to, as our tutors might be teaching multiple classes over the course of a day. We’re paying for their overall time with us.

“We also have a tutor training fund for freelancers (around £5,000 a year) where regular tutors can say to us “I’d really like to do this training as it would help develop my skills” and we’ll pay for it. As well as funding this external skills development, we also fund freelancers to do practical training when they’re contracted with us. For example, we would ask anybody who was regularly working with us to do Emergency First Aid at Work and Child Protection Training. Covering that cost can be quite handy for the freelancers we work with, so they then have those skills when working with anyone else.

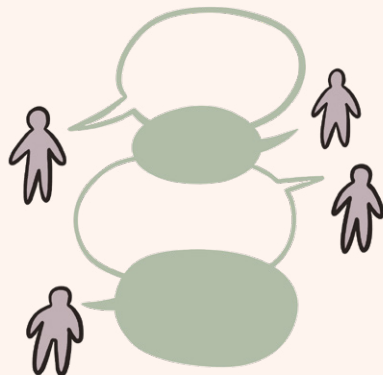
“We also regularly bring all our freelance tutors together to learn, share and take part in peer-to-peer and other training. Part of our approach is to have an open dialogue with the people we work with, making sure they are listened to, and being willing to make changes if needed. As a result of this ethos, we’ve been able to attract a pool of great candidates when recruiting recently.”

FORMED: 1986

BASED: Dingwall

PEOPLE: Seven

feisrois.org



ON THE CHALLENGE OF AFFORDABILITY

“When it comes to thinking about affordability, we all need to be really honest as organisations about what we can and can’t afford especially in the current economic situation we are all in. That’s why at Fèis Rois, we’re choosing to do less in order to look after our people and to pay the bills. It’s important we’re realistic about what we can deliver – we can no longer afford to deliver the same as we did in 2018 with the current cost of living crisis. This honesty around delivery has to extend to our funders, as we’re now on standstill funding until 2025.”

ON THE FUTURE

“Our board and I are starting to look at our next five-year plan. I am keen that we explore new ways of living and working which still have space for creativity, innovation and development, but with wellbeing at the centre of it, rather than endless growth.

“As a result of this, since January 2022, the staff team has been working a flexible 4-day week with no loss of earnings. (I must admit I haven’t quite mastered it yet myself, but I need to get there!) It has been totally transformational for the team; the feedback has been amazing and there’s been no decline in productivity or negative impact on the organisation.”

Mini Case Study

The ARC Stockton

Policy for the Employment of Freelancers

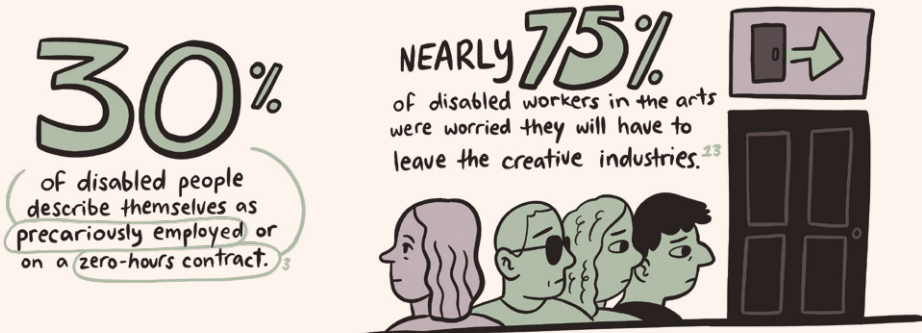
Created in collaboration with its regular freelancers, ARC’s policy acknowledges the additional financial challenges freelancers face compared to salaried staff, clearly outlining what it is doing to level the field.

Focusing on fairness and respect, it makes a range of commitments intended to make freelancers feel more valued and supported.

These include: a streamlined application process for work; full access to ARC resources when working with the organisation; clarity and transparency of communication; fair fees; and the payment of freelancers’ invoices within 14 days or less.

FAIR WORK TAGS: SECURITY, RESPECT

Policy for the Employment of Freelancers



Mini Case Study

Museum Freelance

Resources for organisations

Museum Freelance is a network set up and run by freelancers working in the museums sector. It runs training, conducts research and advocates on behalf of freelancers. They have published a number of resources to guide commissioners in working more effectively with them, including how to work with freelancers and how to write the perfect freelancer brief.

FAIR WORK TAGS: SECURITY, RESPECT

Museum Freelance Resources for Organisations

Mini Case Study

Disability Arts Online (DAO)

Access Rider Template

DAO has produced a downloadable care rider template for anyone to use to help reflect on how to approach naming and agreeing access requirements. Designed for freelancers it is also a useful reflection tool for employers or commissioners to consider when employing freelance disabled artists or staff.

FAIR WORK TAGS: SECURITY, RESPECT, OPPORTUNITY

Access Rider Template

Mini Case Study

Writers Guild of Great Britain (WGGB)

Free is NOT an Option

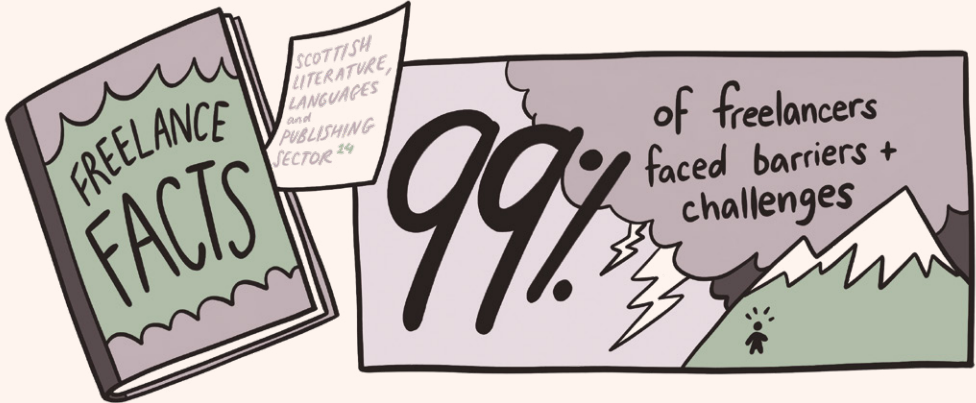
WGGB's good practice guide for TV writers, agents and programme makers tackles the issue of working for free.

Produced as part of a campaign against the widespread practice of freelance scriptwriters being asked to develop work without remuneration, it includes a section titled 'How to say 'no' – 10 easy steps to make sure you get paid'.

With advice on producing work on spec, option agreements between producers and writers, and developing a treatment, it is an informative guide for the whole industry.

FAIR WORK TAGS: SECURITY, RESPECT

writersguild.org.uk



MOST
(58%)
don't feel valued by the sector



14 The experience of being a freelancer in the Scottish literature, languages and publishing sector, Literature Alliance Scotland, 2023

8

Fair Work FAQs



What are Fair Work practices?	123	We don't have employees, we just work with freelancers – does Fair Work apply to us?	125
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What are Fair Work practices?

Fair Work practices go beyond an employer's legal obligations, with an employer actively ensuring its employees are aware of their legal rights.

Find out more about each of the Fair Work dimensions and learn how others have adopted them through the many case studies in this Guide, or by going to the [Fair Work Convention](#) website.

What is the Real Living Wage?

The Real Living Wage is a voluntary wage rate calculated annually by the Resolution Foundation, based on the minimum income standard of living. The Scottish Government's Fair Work First programme asks employers to pay at least the Real Living Wage.

Paying this rate at a minimum helps employers save on costs related to staff retention, recruitment and training, and accredited employers report increased morale and motivation resulting in increased productivity in the workplace.

The Real Living Wage should not be confused with the mandatory National Minimum Wage (or the national Living Wage), which is set by the UK Government and is the legal minimum an employer must pay an employee.

It is important to note that use of the Real Living Wage should not be used as a baseline (or minimum) hourly rates for professional or specialist fees, and employers should refer to Industry Standard Rates of Pay from unions and representative bodies.

Visit the [Scottish Living Wage](#) website for more Information and to apply for Real Living Wage Employer Accreditation.

Does Fair Work apply to us?

Currently Fair Work is not a legal requirement, although the principles are connected to legal requirements such as **minimum wage** and **employment rights**. It is worth referring to the **Equality Act of 2010** to understand the legislation that relates to Fair Work.

All five dimensions of the Fair Work Framework are relevant in all working environments - and organisation size does not determine whether Fair Work is easier or more difficult to deliver. The Fair Work Convention notes that *“There should be no inherent barriers for any organisation regardless of size or sector, in seeking to improve Fair Work practices.”*¹⁵

Both the Scottish Government’s **Fair Work First** guidance and the case studies in this Guide offer examples of Fair Work across many different settings, artforms and scales of organisation.

We only have two staff – how do we evidence all the dimensions of Fair Work?

Even in a small organisation it’s possible to consider and demonstrate a Fair Work approach. This might comprise improvements in how you work and communicate as a small team, in how you contract and work with freelancers, or in policies and practices that connect you with broader stakeholders.

Our case studies offer examples of Fair Work practices in different types and sizes of organisation.

¹⁵ *The Fair Work Framework*, Fair Work Convention, 2016

¹⁶ *Review of Fair Work*, Culture Radar, 2022

¹⁷ *UK Government Employment Status Self-employed Contractor*

We don't have employees, we just work with freelancers – does Fair Work apply to us?

All five dimensions of the Fair Work Framework are relevant in all working environments, including how you work with freelancers and self-employed people.

The creative and cultural sector relies heavily on freelance workers at all levels - from creative practitioners and producers, through to professional advisors, administrators and technicians, and to front of house, box office, shop and hospitality staff.

Freelancers were one of the groups hit hardest by the pandemic and are a recognised priority for Fair Work to help resolve precarious work, support Covid-19 recovery and increase diversity and inclusion.¹⁶

Although Employment law does not cover self-employed people in most cases, if a person is self-employed, they are legally entitled to have:¹⁷

PROTECTION
of their
HEALTH
and
SAFETY


PROTECTION
AGAINST
DISCRIMINATION

The RIGHTS and
RESPONSIBILITIES
set out by the
terms of the
CONTRACT
they have with
the client

Freelancers are also entitled to have their invoices paid within 30 days in the vast majority of cases, and are entitled to charge late fees and interest if payment is not forthcoming within this 30-day period.

Many freelancers are members of a union or a professional body which publish Rates of Pay and Industry Standards. In case of a dispute, employees and freelancers can ask a union representative to intervene on their behalf.

Have a look at some of the case study examples through this Guide to consider how you might apply Fair Work practices in your work with freelancers.

We work with volunteers – does that go against Fair Work?

There are employment laws, and best practice guidelines, related to working with volunteers. These guidelines relate to their rights and safety, as well as safeguarding for the people they may come into contact with while they are volunteering with you (especially if they are working with children, young adults and vulnerable people).

For more information and advice on legal requirements and best practice in working with volunteers, refer to the **Scottish Council for Voluntary Organisations (SCVO)** website, and the **STUC Volunteer Scotland Charter** which sets out 10 best practice principles of working with volunteers.

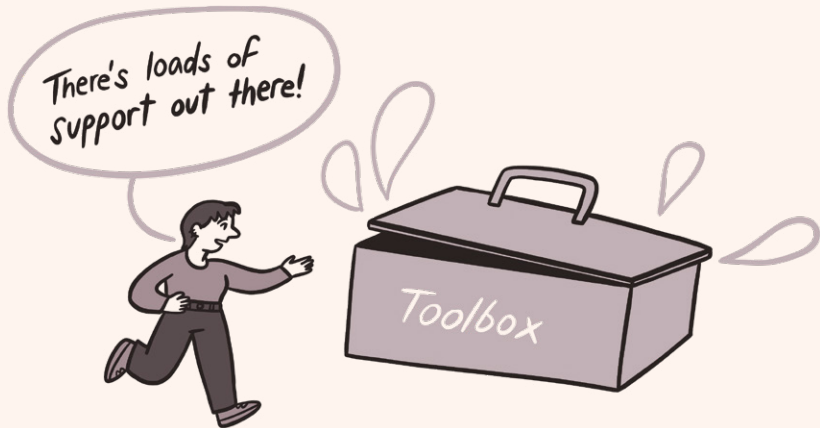
Where can we get help with Fair Work?

A good starting point is the Fair Work Convention's **Fair Work Self-Assessment Tool** or the Scottish Enterprise **Fair Work Employer Support Tool**. These can help you identify a baseline for your journey towards Fair Work.

Trade unions provide lots of advice on a broad range of employment areas which support and feed into Fair Work, including on best practice in working with freelancers. There is a list of trade unions and creative sector support organisations on page 138.

Creative Scotland's Resource webpages contains information and links to other Fair Work related support.

We've included a list of unions, membership and representative bodies and networks on page 138 and you can also check out signposted links to information and resources throughout this Guide.



Is Fair Work an accredited scheme?

Fair Work is not an accredited scheme – there are no public awards – but the benefits to employers and employees are well evidenced from increased staff productivity, motivation, retention and the ability to attract skilled workers, to increased security, diversity, fulfilment, opportunities and wellbeing in the workplace.

There are a host of other accreditation schemes and programmes that you can engage with to help you progress and demonstrate Fair Work however, such as becoming an accredited **Real Living Wage Employer**.

A list of recognised and accredited schemes is included on page 133.

9

Resources and Support



Accreditation organisations and awards

The following are just a selection of recognised accreditation or awards programmes organisations can consider working towards to support their Fair Work journey.

CARER POSITIVE EMPLOYER ACCREDITATION

Carer Positive is a Scottish Government initiative, developed with the support of a strong partnership between private, public and voluntary sector organisations in Scotland. It raises awareness of the challenges facing working carers, and encourages employers to understand the business benefits of having ‘carer friendly’ policies and working practices which include reduced levels of stress, reduced sickness absence, lower recruitment and training costs, increased staff morale and productivity levels.

DISABILITY CONFIDENT SCHEME

Disability Confident support change, encouraging employers to think differently about disability and take action to improve how they recruit, retain and develop disabled people.

It was developed by employers and disabled people’s representatives to make it rigorous but easily accessible, particularly for smaller businesses.

INVESTORS IN PEOPLE (IIP)

IIP is an internationally recognised standard “underpinned by a rigorous assessment methodology and a framework which reflects the very latest workplace trends, essential skills and effective structures required to outperform in any industry”.

Reflecting the very latest workplace trends and backed by academic research, it provides a simple and robust approach by measuring an organisation’s people management practices, insights through sector benchmarking, recognition through international accreditation and access to a clear performance improvement plan.

Organisations can achieve IIP accreditation at standard, Silver, Gold or Platinum level. An organisation achieving Platinum level is deemed to have embedded a range of high performance work practices, many of which will be compatible with Fair Work principles.

INVESTORS IN YOUNG PEOPLE (IIYP)

IIYP is a core part of the Scottish Government’s Developing the Young Workforce agenda, centering on provision of support for employers.

IIYP harnesses the skills, talents and creativity of young people in order to help organisations become sustainable and profitable.

Accredited employers report benefits for their organisations in attracting, recruiting and retaining young people. Benefits included a more dynamic and productive workforce, and helping to tackle issues such as an ageing workforce, skills gaps and shortages, talent development, succession planning and customer insight.

PARENTS IN PERFORMING ARTS CHARTER PROGRAMME (PIPA)

PiPA's Charter Programme is a tried and tested framework providing tools, resources and policies for organisations to start implementing family-friendly working practices.

Organisations can assess their family-friendly working practices through a benchmark survey, access extensive research and best practice case studies, as well as a variety of tools and resources.

PiPa can also work with individual organisations to develop bespoke action plans based on capacity and circumstances.

RAISING FILMS RIBBON

The **Raising Films Ribbon** is available to people, productions, production companies, festivals and conferences, training schemes and educational institutions. It is awarded to acknowledge activity that takes into account the needs of parents and carers.

To be eligible for the Raising Films Ribbon activity needs to focus on one or more of a number of key areas/pledges:

- Building childcare/support for carers into the pre-production, production and/or post-production of film and TV projects.
- Acknowledging and financially supporting parents/carers when working away from home.
- Focusing on building the infrastructure to better support parents/carers working in film and TV.
- Offering flexible working/job-sharing as standard.
- Building awareness of the needs of parents and carers working in film and TV.
- Striving towards the change of established industry norms and embedded workplace culture.

SCOTTISH BUSINESS PLEDGE

The **Scottish Business Pledge** is a shared mission between Government and business, with the goal of boosting productivity, competitiveness and sustainable employment through Fair Work, workforce engagement and development practices.

The Pledge comprises nine individual elements: real Living Wage, zero hours contracts, workforce engagement, balanced workforce, invest in youth, innovation, internationalisation, community and prompt payment.

To make a Business Pledge, a business must be paying the real Living Wage to all directly employed employees over the age of 18, already delivering on at least two other elements as outlined above, and be committed to achieving the rest over time.

By making its pledge, a business demonstrates its commitment to these values and to deliver them through its actions and future plans. In doing so, a business can demonstrate a positive and progressive approach to Fair Work practices. Furthermore, a business can reap the benefits of having a reputation as a fair employer.

SCOTTISH LIVING WAGE ACCREDITATION

Becoming a Living Wage Employer is recommended by the Scottish Government's Fair Work First programme.

To sign up to the **Scottish Living Wage Accreditation Initiative**, companies must pay directly employed staff over the age of 18 at least the real Living Wage, as well as paying it to subcontracted workers, such as cleaners, who regularly provide services on site. Accredited companies will be awarded the Living Wage Employer mark to promote accreditation and will be invited to Living Wage Week events in November each year.

Research under taken by the Scottish Living Wage Accreditation Initiative conducted on accredited employers who have introduced the real Living Wage shows: a 25% fall in absenteeism; 80% of employers believe that the real Living Wage has enhanced the quality of the work of their staff; 66% of employers reported a significant impact on recruitment and retention within their organisation; and, 70% of employers felt that the real Living Wage had increased consumer awareness of their organisation's commitment to be an ethical employer.

STONEWALL DIVERSITY CHAMPIONS

The **Diversity Champions** programme is the leading employers' programme for ensuring all LGBTQ+ staff are free to be themselves in the workplace. Stonewall works with over 900 organisations across the UK. Every Diversity Champions shares its core belief in the power of a workplace that truly welcomes, respects and represents LGBTQ+ employees.

Professional organisations

Here are some of the biggest trade unions, sector support, membership and development networks representing the creative workforce in Scotland. It is in no way an exhaustive list - other organisations and unions are available! This is intended as a starting point for anyone looking for employment or artform specific professional advice.

TRADE UNIONS IN THE CREATIVE AND CULTURAL SECTOR IN SCOTLAND

<u>BECTU</u>	<u>Scottish Artists Union</u>
<u>EQUITY</u>	<u>Scottish Society of Playwrights</u>
<u>Musicians Union</u>	<u>Society of Authors in Scotland</u>
<u>National Union of Journalists</u>	<u>Writers Guild of Great Britain</u>

CREATIVE SCOTLAND SECTOR SUPPORT ORGANISATIONS

<u>Artlink</u>	<u>Publishing Scotland</u>
<u>Craft Scotland</u>	<u>Scottish Book Trust</u>
<u>Culture and Business Scotland</u>	<u>Scottish Contemporary Arts Network</u>
<u>Culture Counts</u>	<u>Scottish Music Industry Association</u>
<u>Federation of Scottish Theatre</u>	
<u>Festivals Edinburgh</u>	

And remember, there’s a comprehensive list of Fair Work related resources, research and toolkits on the Creative Scotland website under **Fair Work Resources**.

Creative Scotland Fair Work Resources

PROFESSIONAL MEMBERSHIP AND REPRESENTATIVE BODIES

Animated Women UK

a-n The Artists Information
Company

Applied Arts Scotland (AAS)

Arts Marketing Association

Artworks Alliance Network

Association of Illustrators

Association of Photographers

Community Dance UK

Creative Carbon Scotland

Creative & Cultural Skills

Creative Entrepreneurs Club

Culture Aberdeen

Engage Scotland

Feisean nan Gaidheal

Incorporated Society of Musicians

Independent Theatre Council

Literature Alliance Scotland

One Dance UK

Raising Films

Royal Incorporation of Architects
in Scotland

Royal Scottish Academy

Society of Scottish Artists

Traditional Arts and Culture
Scotland (TRACS)

Traditional Dance Forum of
Scotland

Traditional Music Association for
Scotland (TMSA)

UK Theatre

Visual Arts Scotland

AREA DEVELOPMENT NETWORKS

Creative Arts and Business
Network (CABN)

Culture, Heritage Arts Assembly,
Argyll and Isles (CHARTS)

Creative Dundee

Creative Edinburgh

Creative Stirling

DG Unlimited

Look Again Aberdeen

Shetland Arts Development
Agency

About Us

MORVERN CUNNINGHAM is a freelance creative and cultural commentator. They are Creative Lead on the nationwide Culture Collective Programme Lead Team and co-Lead of the Creative Communities Hub Network in Edinburgh. During lockdown, they wrote and self-published the pamphlets "You'll Have Had Your City?" and *Edinburgh Reimagined: The Future Will Be Localised*.

HEATHER PARRY is a Glasgow-based writer, editor, and publisher. She is the co-founder and Editorial Director of *Extra Teeth* magazine, co-host of the *Teenage Scream* podcast and the Scottish Senior Policy & Liaison Manager for the Society of Authors, a trade union for writers. In 2021 she created the free-access *Illustrated Freelancer's Guide* with artist Maria Stoian. Her debut novel, *Orpheus Builds a Girl*, was published in October 2022 and a short story collection, *This Is My Body, Given for You*, is forthcoming in May 2023.

JEANIE SCOTT is based in Edinburgh and Manchester, and is the Director of Culture Radar, a research, support and consultancy practice for the arts and creative industries. She led the *Review of Fair Work in the Creative and Cultural Sectors in Scotland* on behalf of the Scottish Government's Cultural Strategy, and has over 25 years' experience in cultural strategy, research, change and development work across the UK.

CHRIS SHARRATT is a Glasgow-based freelance writer, editor and editorial consultant. He mostly writes about contemporary art and culture and is a contributor to, amongst other publications, *Frieze*, *Art Agenda*, *ArtReview*, *Art Quarterly*, *Art & Education*, *Sculpture Magazine*, *Tate Etc*. Chris has also written for publications including *The Guardian*, *New Statesman*, *The Sunday Times*, *Manchester Evening News*, *Creative Tourist*, *The Face* and numerous other magazines.

MARIA STOIAN is an illustrator and comics artist based in Edinburgh, where she also teaches at the Edinburgh College of Art. She is the author of the award-winning graphic novel *Take it as a Compliment*. Her work has appeared in *The New Yorker*, *The Nib* and anthologies such as *Drawing Power*.

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Please seek individual advice from a suitably qualified professional adviser before dealing with specific employment law situations.

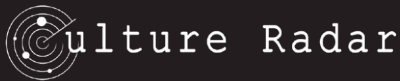
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www.culture radar.org

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THE ILLUSTRATED
**FAIR
WORK
GUIDE**

Effective
Voice

**A practical guide to Fair Work for employers
in the creative and cultural sectors in
Scotland – with case studies and illustrations
to help digest the information.**

Designed around the Scottish Government's Fair Work policy, the guide helps employers understand how to build and grow workplaces that prioritise good, fair and decent working practices for everyone – including freelance creatives.

With practical information and inspiring, real-life examples of Fair Work in practice, this guide will help you visualise and translate best practice employment into your own organisation.

Opportunity

Respect

Fulfilment

Security